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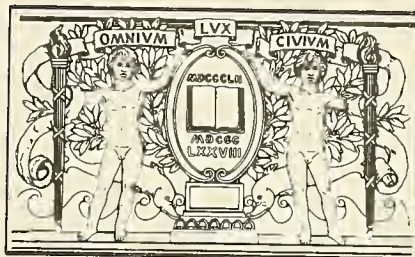


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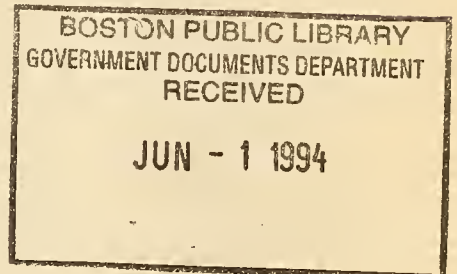
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REPORT OF THE BOSTON LANDMARKS COMMISSION

DRAFT #2

DECEMBER, 1970



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INTRODUCTION

On February 20, 1969, the Mayor of Boston and the Director of the Boston Redevelopment Authority announced the establishment of the Boston Landmarks Commission. The Commission was created as an advisory board to the City and was charged with developing a long-range program of historic and architectural preservation for Boston. In creating the Landmarks Commission, the city administration acted upon its belief that Boston's historic, architectural, and topographical assets are vital aspects of the city's character and as such deserve careful consideration within the city planning process. The Mayor noted at the time of the announcement that "Boston has a distinguished historic and architectural legacy that must be preserved if the physical identity of the city is to be maintained."

The Landmarks Commission was selected to represent a broad range of professional interests and is comprised of two architects, two architectural historians, a landscape architect, an historian, an attorney, a banker, and a city planner. Staff assistance to the project was provided by the Redevelopment Authority through the establishment of an Historic Preservation and Landmarks Office within its planning department. Staffing was completed in the fall of 1969, and the commission began research and planning for a comprehensive preservation program. The report that follows contains the commission's recommendations for immediate and long-range action.

The Boston Landmarks Commission has been guided by the conviction that the quality of life in a city is materially affected by the quality of the visual environment. The combination of natural and man-made features has created an urban fabric which gives Boston its distinct physical character. The relationships of the

city to the riverbanks, shoreline, and parkland, the configurations of street patterns with their characteristic groupings of uses and activities, and the contrasts between different styles and periods of building, with their variations in proportion, color, surface texture, and ornamental detailing and their associations with past life styles -- all contribute to the pleasure and sense of familiarity which Bostonians can feel toward their city.

Boston has many physical amenities: open to the sea and to the banks of rivers, the city is also fortunate in its extensive network of parkland, the first system of urban parks in the country. Created through the efforts of farsighted citizens at the end of the nineteenth century, Boston's park system bears witness to a long tradition of public concern for the environmental quality of the city. Boston's architecture, moreover, is known and admired all over the world. Its distinctive architectural assets include not only its earliest surviving buildings, but also massive granite warehouses and wharf structures; distinguished post-Civil War churches and civic buildings such as Trinity Church and the Public Library; elegant nineteenth century urban residential neighborhoods -- Beacon Hill, the South End, and the Back Bay; and architecturally varied early suburban developments -- Jamaica Plain, Highland Park in Roxbury, Thomas Park in South Boston, and the Ashmont section of Dorchester. In the variety and quality of its architecture, Boston is unsurpassed by any city in the United States. These amenities are not the only sources of Boston's environmental richness and diversity, however. One of the most vital aspects of the city's identity is its past, for the physical fabric of the city embodies the changing needs, values, and technological capabilities of the people who have shaped it over almost three and a half centuries. The different styles and associations of buildings and areas in Boston reflect the city's continuing process of change and evoke the city's many

roles, past and present -- as a center of trade and finance, as a governmental and religious center, as a leader in education and cultural life, as a major port of entry and settlement for immigrants. People who live and work in Boston today can derive from their surroundings a sense of place, not only in space but in the continuum of history.

People take pride in belonging to an identifiable place and pleasure in the variety of visual and spatial experiences available to them from day to day. The source of immediate pleasure may be the crowded vitality of Haymarket, the serenity and elegance of the Public Gardens, the city's skyline rising above a sweeping curve in the river, the drama and grandeur of the new City Hall, or a bit of carved detailing on a Victorian row house -- all of these enrich daily life. It is in the public interest to protect those aspects of the urban environment which make the community a pleasant and rewarding place in which to live and work. This is the purpose of municipal agencies charged with architectural review and landmarks preservation. The constitutional basis for such a use of public power is the U.S. Supreme Court's decision in the 1954 case of *Berman vs. Parker*, which established the principle that the promotion of beauty is an aspect of the public welfare and therefore a legitimate exercise of governmental authority.

Despite the clear legal precedents for public involvement in historic and architectural preservation and the successful efforts of other cities in this field, Boston has still not established a positive program to insure the preservation of the city's historical and architectural assets. The need for such action is now inescapably evident. Over one-third of the Boston buildings included in the national Historic American Buildings Survey have been demolished since the 1930's, and the city has suffered a particularly alarming series

of losses within the past ten years. Perhaps the best known of these was the Bulfinch warehouse complex on India Wharf, demolished in 1962 despite efforts to save it for rehabilitation. In the following year, the demolition of five splendid Victorian row houses at the head of Commonwealth Avenue left a prominent gap at the entrance of Boston's most distinguished boulevard.

The destruction of India Wharf and the irrevocable damage to Commonwealth Avenue were losses not only to the city but to the entire country, for they affected landmarks of national importance. Nonetheless, every such loss is felt most keenly by those who live and work in the city, the people whose everyday lives are affected by the obliteration of a familiar view. In Boston, many other fine buildings, less well known but distinctive and valuable, have been demolished; and the loss of these irreplaceable local landmarks has been as distressing to the people immediately affected as the destruction of more famous monuments has been to the wider community.

As recently as 1965, the crossing of Newbury and Exeter Streets was distinguished by a cluster of four Richardsonian Romanesque buildings dating from the 1880's: the Exeter Street Theater, the Massachusetts College of Optometry, and the former buildings of the Hollis Street Church and the Massachusetts Normal Art School. Each of these buildings was of interest in itself as a typical example of the style first made popular in nearby Trinity Church, but the harmonious grouping of four of them around a single crossing gave the spot a particular significance. In the past five years, two of these buildings have been torn down for parking lots; and this impressive streetscape has been hopelessly mutilated.

The central city has not been the only area to suffer the destruction of valuable buildings in the past five years, however. Furthermore, it is not only nineteenth century buildings that have been destroyed;

even the city's few surviving Colonial structures have not been safe. In 1967, West Roxbury saw the demolition of the last of a series of eighteenth century houses that once lined western Centre Street. The loss of these would have been unfortunate anywhere, but it was especially damaging in a community which had been able to retain so few physical links with its past.

Perhaps the most disheartening recent episode of landmark destruction was the loss of the Lewis Street loft and warehouse complex in East Boston in 1968. These buildings, in brick with fine detailing in granite, brownstone, and cast iron, represented several major styles in nineteenth and early twentieth century commercial architecture and were among the last physical vestiges of East Boston's history as a thriving seaport. They were structurally sound as well as handsome. There was considerable community interest in saving the buildings; a Boston developer had found them suitable for rehabilitation and declared his willingness to undertake the project. Nevertheless, the out-of-town owner insisted upon overriding local protests and tearing down the entire complex in anticipation of future development. Three years after demolition, the site remains a wasteland. In an ironic postscript, the Maverick Square subway station has been refurbished with handsome photographic murals of the destroyed warehouses.

These instances, and many similar episodes, exemplify the process by which the city's physical character is eroded and with it people's sense of pride in their surroundings. The experience has been common to areas like Back Bay, widely recognized for their architectural distinction, and to others like East Boston which have seen the gradual destruction of almost every feature which made them pleasant

and liveable. Recent losses have conclusively demonstrated the need for civic involvement in the preservation of the landmarks and neighborhoods that people cherish. The purpose of such involvement is not to arrest change, but rather to insure that the best of the old is kept to enrich and complement the new, and that new development will enhance rather than obliterate the city's character.

BACKGROUND

BOSTON'S GRANT FOR HISTORIC PRESERVATION PLANNING ASSISTANCE

Description of HUD Program

The work program of the Landmarks Commission has been assisted by an Historic Preservation Planning Grant from the Department of Housing and Urban Development. This program was authorized by the Model Cities and Metropolitan Development Act of 1966, which permitted cities with populations of over 50,000 persons to receive grants for architectural surveys, preservation planning and related programs. The basic objectives of the preservation planning program include the identification of historic and architecturally notable features, an evaluation of their significance, the design of a preservation plan to protect the city's physical amenities and landmarks, and the development of a greater public awareness of these assets. The preservation program is to be conceived as an integral part of the city's comprehensive plan and coordinated with local land use and physical planning.

The preservation planning assistance program is funded on a 2/3 federal and 1/3 local basis. The Department of Housing and Urban Development has established a 12-month, \$50,000 grant limitation, but subsequent applications may be filed after completion of the initial study period. Activities eligible for funding under the program are: surveys and inventories to determine the historic and architectural assets of a city, the development of criteria for the evaluation of historic and architectural features and districts, determination of priorities for public action, compilation of existing data and studies, and the preparation of legislation, administrative procedures, and budgetary measures necessary for the implementation of the program.

Boston's Participation

The Redevelopment Authority applied for historic preservation planning assistance in the spring of 1969. Boston was awarded the maximum grant, and the project began on October 1 under the direction of the Landmarks Commission. The terms of the grant provided the project with full-time

professional staff, technical consultants, and legal assistance. To date, Boston is the only large city in the country to participate in the HUD historic preservation planning program.

Work Program Executed under the Historic Preservation Planning Project

Since the inception of Boston's preservation planning project, the Landmarks Commission and the project staff have initiated a general architectural survey of the city and have identified areas, sites, and buildings that merit protection, public support, and additional study. The surveys have demonstrated the unusually fine architectural and environmental quality of many of the city's residential and commercial districts and have provided the data necessary to determine the interests and long-range work program of a permanent commission. A landmarks designation program has been outlined, and procedures established for the coordination of the proposed landmarks commission with existing city and state agencies now responsible for physical planning and preservation-related functions. Finally, drafts of the legislation and local ordinances needed for the creation of the proposed permanent commission have been completed with support documentation of legal precedents for state and local aesthetic, architectural, and historic preservation regulations. (See Appendix I).

During the initial 12-month preservation planning period, it became apparent to the Commission that the development of a comprehensive plan for historical conservation in a city as architecturally varied and distinguished as Boston would require survey and planning work beyond the scope of this study report. The Redevelopment Authority therefore applied for additional funding in order to insure the continuation of the survey and planning work now in progress and the preparation of a balanced program representative of all of the districts of the city. Boston's second-year application was approved by HUD last May, thus extending the city's historic preservation planning assistance program through January of 1971.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

American cities have become increasingly aware of the need to protect the architectural, design, and natural features that distinguish their communities and provide the physical amenities necessary to insure an attractive and satisfying environment. Although historic districts, art commissions, and ad hoc advisory boards on historic preservation have been established by municipalities, so many major losses continued to be experienced that by the 1960's it had become imperative for cities to develop more effective approaches. In recent years, comprehensive programs in architectural and historical conservation have been implemented in most of the largest cities in the country, including New York, Chicago, Los Angeles, Philadelphia, Detroit, Baltimore, St. Louis, Cincinnati, and Denver, through the creation of municipal landmarks commissions or their equivalents.

City landmarks commissions are generally responsible for a combination of regulatory, project planning and advisory functions. In most instances, their regulatory authority is dependent upon the administration of a designation program which permits the identification of landmarks and landmark districts and the protection of these through mandatory design review procedures. Landmarks commissions are also called upon to advise other city departments on the maintenance of notable municipally-owned buildings and sites and are asked to report on projects affecting features or districts considered to be of architectural or historical value to the city. Several commissions have developed mechanisms to encourage private investment in preservation and are working with preservation techniques that do not require the exercise of police powers.

In Boston, the preservation movement began to develop as an effective force during the last quarter of the nineteenth century. Although Boston's preservation tradition has resulted in a strong private interest and

substantial municipal participation in architectural and historical conservation, a comprehensive program has yet to be developed. Despite the involvement of several city departments in issues concerning the conservation of notable features and areas, municipal government is not organized to prevent the obliteration of most of its historic monuments or the gradual erosion of its distinctive architectural character. Local historical societies have never coordinated their programs to produce a city-wide preservation effort, and private preservation activity thus remains limited in scope and influence.

At present, several federal programs are available to assist state and municipal historic preservation and architectural conservation activity. Adequate implementation of these programs is, however, dependent upon each city's awareness of its physical assets and preservation problems. Moreover, the federal programs, as well as the state certification program, were not developed to satisfy the preservation needs of any single city or town. Boston therefore must realize, as other cities have done, that the maintenance of its character and distinguished physical assets can only be accomplished through municipal action. In order that the city be prepared to conserve its historical and architectural resources and protect its visual and historical identity, it is proposed that a landmarks commission be established in Boston.

A statutory Boston Landmarks Commission has been designed to strengthen existing local involvement in preservation activity and to expand this commitment through the recognition of the contributions of all of the communities of the city. As is described in the accompanying legislation, the Commission has been conceived as a nine-member board representing a full range of preservation interests and placed, for administrative purposes, within the _____.

Each member of the Commission would be appointed by the Mayor with the consent of the City Council for a six-year term.

The proposed Commission would be authorized to undertake a comprehensive survey of the city and to identify its architecturally, aesthetically, or historically notable areas, sites, structures, and objects. The findings of the Commission would be made known through the preparation of reports and studies which would be distributed among the City departments and to local preservation and civic groups. After public hearings, and with the approval of the Mayor, objects, buildings, sites, and areas could be designated for special protective regulations.

The designation program of the Landmarks Commission would provide for the establishment of local Landmarks, Landmark Districts, Architectural Conservation Districts, and Protection Areas. A Landmark or Landmark District designation would be considered for physical features or improvements that in whole or part have existed for twenty years or longer and are of historical, social, cultural, architectural, or aesthetic significance to the city and the commonwealth or nation. Designation as an Architectural Conservation District would, on the other hand, be made for distinctive areas of Boston that are primarily of local interest. The maintenance of appropriate environments for Landmarks, Landmark Districts, and Architectural Conservation Districts would be permitted through designation by the Commission of Protection Areas.

Proposals for the alteration, reconstruction, repair, and demolition of exterior architectural features of Landmarks or buildings located in Landmark or Architectural Conservation Districts would be subject to review and approval by the Landmarks Commission. Alterations to notable interior design elements of designated Landmarks would also be considered. It is the intent of the legislation that Landmarks and Landmark Districts be regulated in accordance with standards comparable to those currently used by the Beacon Hill and Back Bay Architectural Commissions. However in the case of the Architectural Conservation District, the Landmarks Commission would only concern itself with the general form, massing, and scale of the area and not with

minor alterations or questions of architectural detailing. Similarly, in a protection area, the Commission would only review and pass upon major changes in form or scale that substantially alter the immediate surroundings of Landmarks, Landmark Districts, or Architectural Conservation Districts.

In addition to its survey and designation program, the Landmarks Commission would be responsible for local preservation planning. This function includes the review of projects affecting Boston's architectural and historical assets, the review of proposals for the rehabilitation, alteration, or demolition of notable municipally owned structures and sites, and the development of public education programs in architectural conservation. The commission would work closely with local historical societies and civic groups and would be equipped to assist them in the development of community-based preservation projects. It is further recommended that the commission be charged with the coordination of the various preservation functions now executed by the City. In this connection, the Commission would be expected to offer preservation planning and other technical assistance to those boards and departments responsible for activities related to historical conservation.

The Commission would be authorized to implement programs that are non-regulatory in nature including, for example, the use of scenic easements and the recommendation of development incentives for restoration and other forms of preservation activity. Whenever funds were available for these purposes, the Commission would also be permitted to acquire and sell properties or interests in properties of architectural or historical value.

The program of the Landmarks Commission has been designed to assist the City in its efforts to improve the quality of life in Boston through the protection of many of its physical amenities. Adoption of the proposed program

will encourage the conservation of the man-made and natural beauty of the city and will create effective alternatives to the arbitrary destruction of Boston's physical and cultural heritage.

FINDINGS

EVOLUTION OF PRESERVATION PROGRAMS IN OTHER CITIES

One of the major products of preservation planning efforts in large American cities has been the establishment of municipal landmarks commissions. Some of these boards have evolved from advisory public bodies (New York, Chicago), while others have developed out of preservation activity initiated by private groups (Denver) or historic district commissions responsible for architectural conservation within a designated area of the city (Baltimore). Many of the largest cities in the country including New York, Chicago, Los Angeles, Philadelphia, Detroit, Baltimore, Washington, D. C., San Francisco, San Diego, St. Louis, Denver and Cincinnati have already created landmarks commissions or their equivalents. Others (Dallas, Boston and Cleveland) are currently preparing proposals for the establishment of local landmarks boards.

Almost all of the existing municipal landmarks commissions were created during the 1960's. It is significant that their establishment coincided with a decade of monumental public and private redevelopment projects and extensive land takings for highways and airports. The proliferation of local landmarks commissions indicates a growing awareness of the considerable losses that cities have endured and the resulting diminution of the quality of their physical environments. As is described in Baltimore's proposal for a landmarks commission (Baltimore: Preservation of a City's Character, Baltimore City Planning Commission, 1967):

This is an era of startling change. Modern ways of living, working and using leisure time all differ greatly from a generation ago. The impact of these changes on Baltimore has been enormous. Heritages of the past -- buildings and historic sites, even entire neighborhoods, have been obliterated. Each of us has experienced this change in our City. The loss of a familiar building or vista is often deeply personal. The sense of loss is even stronger when the building or area has social or historic meaning as well as personal ones. A link with our past is irrevocably broken.

The ordinance creating the Landmarks preservation Commission of the City of New York (Ordinance 46 of 1965) includes a similar statement:

The council finds that many improvements as herein defined, having a special character or special historic or aesthetic interest or value and many improvements representing the fine architectural products of distinct periods in the history of the city, have been uprooted, notwithstanding the feasibility of preservation and continuing the use of such improvements, and without adequate consideration of the irreplaceable loss to the people of the city of the aesthetic, cultural, and historic value represented by such improvements. In addition, distinct areas may be similarly uprooted or may have their distinctiveness destroyed, although the preservation thereof may be both feasible and desirable. It is the sense of the council that the standing of this city as a world-wide tourist center and world capital of business, culture and government cannot be maintained or enhanced by disregarding the historic and architectural heritage of the city and by countenancing the destruction of such cultural assets.

The public programs and development pressures that destroyed so much of the fabric of our communities and eliminated those amenities that made urban life a satisfying experience also demonstrated that random preservation efforts, the operations of ad hoc advisory committees, the delineation of "historic trails", and the presence of occasional "preserved" monuments could not substantially contribute to the conservation and enhancement of a city's architectural character. By the mid-1960's, it had become apparent that a variety of techniques and range of authority were needed. Preservation had to be removed from the realm of "special" activity and be integrated within the planning and development functions of municipal government.

Large cities therefore began to consider their "broader heritage of history, architecture, and character" (Baltimore: Preservation of a City's Character, Baltimore City Planning Commission 1967) and attempted through preservation "to create a significant cityscape". (The Preservation of Landmarks in San Francisco, San Francisco Department of City Planning 1966) Cities began to use preservation techniques to improve the quality of urban life and sought to protect vistas, physical patterns of neighborhoods, gathering places, parks, markets, commercial and industrial complexes landscape features, and topographical formations. This expanded conception of historic conservation, recently reaffirmed in federal preservation policy (see below, pp. 36-43) has encouraged the intensification of local preservation planning and the creation of municipal landmarks commissions.

Landmarks commissions have been able to provide substantial powers for the preservation and enhancement of the urban environment. These boards are generally responsible for city-wide preservation planning functions, the development of municipal policy concerning the maintenance of the city's physical character, and the recognition and protection of objects, natural features, structures, places and areas of aesthetic or cultural value. Although the specific functions and authority of landmarks commissions are different in every city, all utilize regulatory powers for architectural and historic conservation that can prevent several kinds of potentially destructive activity.

The basis of regulatory authority for every existing landmarks commission is a designation procedure. This process is usually initiated, after the completion of architectural surveys and studies, by formal recommendations from the commission to an elected, official or public body. Once approvals are received, the landmarks commission has the authority and responsibility to review and pass upon all exterior alterations, new construction, and demolitions of designated properties or buildings within designated areas. Landmarks commissions are generally empowered to prohibit and delay activity deemed to be inappropriate to the character of an area or to the design of a structure or object.

In addition to their regulatory powers, most landmarks commissions are required to advise the Mayor, City Council, and city departments on the care and rehabilitation of municipally-owned buildings, sites, and objects. Commissions also may advise on public programs and projects affecting designated properties or properties considered to be of value to the city. Several landmarks commissions have the power to protect the environments of designated properties or areas, as well as the authority to review and report on proposals for rehabilitation, development, and demolition adjacent to public squares, parks, monuments, or landmarks of outstanding quality. Landmarks Commissions also consider and report on proposals affecting the general visual appearance or physical character of a city.

The accomplishments of existing landmarks commissions vary with the length of time the board has been in operation, the extent of its authority and the skill with which its programs are administered. Several of the designation programs of these boards have been effectively applied to a great range of architectural and historical resources. In Philadelphia, for example, approximately 4000 properties have been certified, including three historic sites, one historic district and several building complexes distinguished by their architectural character. These buildings and areas date from 1700 to 1932 and represent modest examples of row housing as well as architecturally distinguished office buildings of the 1920's and 1930's.

In Baltimore, the Commission for Historical and Architectural Preservation has been responsible for additions to the previously established Mt. Vernon District and has also designated three new historic areas. Two more districts and 150 sites and structures have just been recommended for protection, and designation of these is soon expected. Baltimore's protected buildings, sites, and areas date, for the most part, from the nineteenth century but some late eighteenth and twentieth century development has also been recognized.

New York has one of the most ambitious programs. Since its establishment in 1965, the New York Landmarks Preservation Commission has designated some 5000 buildings and sites, including 14 historic districts. New York's historic districts vary in size from a single city block to areas like Brooklyn Heights and Greenwich Village, which encompass whole neighborhoods and their commercial sections. Currently under consideration by the City for designation is a nineteenth century warehouse district containing many notable cast-iron industrial buildings. In New York, designated structures range in type from Dutch colonial farmhouses to railway terminals and skyscrapers.

Another accomplishment of big-city landmarks commissions is the development of preservation techniques that do not involve the use of police powers. Most of these methods have been designed as preservation-development incentives and are used to encourage private investment in preservation projects. These techniques include the acquisition of scenic and development easements, partial reimbursement for restoration costs, special tax abatements, property re-sale write-downs, sale and transfer of development rights, and provision of technical design and rehabilitation services. The transfer of development rights has been incorporated into the zoning code of New York and appears to have strong potential for use in downtown areas of large cities. The preservation of highly developable sites is made economically feasible by permitting the sale of unrealized development rights to adjacent property owners. Development rights transfers allow for substantial increases in property income while the designated building or site continues to remain physically unaltered. Development rights transfers are expected to be key in the preservation of New York's Grand Central Station and Woolworth Building. Proposals for the specific application of development rights transfers have also been drafted by the Commission on Chicago Historical and Architectural Landmarks.

The progression of local preservation activity from the functional and conceptual limitations of earlier preservation efforts to the establishment of municipal agencies that administer survey and education programs, preservation planning functions, protective landmark and historic district designations, and architectural review

functions represents a major step in the attempt to conserve the environmental quality of American cities. Large cities have acknowledged the need to preserve the human values of the cityscape and have developed landmarks commissions as a mechanism to assist in the realization of this basic goal.

HISTORY OF THE PRESERVATION MOVEMENT IN BOSTON

Architectural conservation enjoys a strong tradition in Boston. Bostonians began to organize to preserve buildings associated with the city's early history in the last decades of the nineteenth century. The first major preservation effort in Boston was the abortive attempt to save the John Hancock mansion, which stood next to the State House on Beacon Street. In 1859, the Hancock heirs offered to sell the building and its site to the state for \$100,000, or some \$25,000 below its market value; after the state had refused, they offered the building and its contents to the City gratis, but the City did not accept. Interested citizens were unable to raise the money needed to relocate the building, and it was demolished in 1863.

Although it failed to save the building, the campaign for the Hancock mansion served an educational purpose, for it dramatized the threat posed by increasingly intensive land use, and it goaded those concerned about the loss of the city's physical heritage to band together. The Bostonians who formed the Old South Association, raised \$400,000 and prevented the demolition of the Old South Meeting House in 1876 were among the first American preservationists to cope successfully with the economic pressures of urban development. When the church was secure, many of these people became active in the Bostonian Society, which was established in 1881 primarily to convince the Boston City Council to preserve the Old State House. The Council responded to the Society's testimony, appropriated \$35,000 for restoration and leased the building to the Bostonian Society for the public usage that the Society maintains today. In preserving the Old State House, the Council established the Boston precedent for governmental recognition of preservation as a public concern.

Private preservation organizations proliferated in the early decades of the century as increasingly intensive land use posed new threats to the city's physical heritage. The Paul Revere Memorial Association, like the Old South Association and the Bostonian Society, was incorporated to preserve for the public a specific historical resource, the Paul Revere house at 19 North Square. In 1905 John Phillips Reynolds, the great-grandson of Paul Revere, purchased the house where his famous ancestor had lived from 1770 until 1800 and which, having been originally built around 1680, was the oldest house in Boston and the sole surviving example of the city's 17th century wooden domestic architecture. Reynolds agreed to sell it for \$12,200 to a group of citizens led by William Sumner Appleton, Curtis Guild, Henry L. Higginson, and Patrick Collins, who "... decided to see if some steps cannot be taken to preserve the house and make it serve some useful and educational purpose as well...." The steps taken were the incorporation, in May 1907, of the Paul Revere Memorial Association, and the Association's purchase of the property the following June. The "useful and educational purpose" which the reconstructed house serves today is affirmed by its 160,000 annual visitors.

While the Paul Revere Memorial Association conserves a single historic site, the Society for the Preservation of New England Antiquities, incorporated in 1910, has been concerned since its inception with a variety of preservation needs. The rapid growth of the Society in the early decades of the 20th century reflects a growing public awareness of preservation problems. The SPNEA was founded in 1910 by William Sumner Appleton, who served as its Director and Corresponding Secretary until his death in 1947. The Society, which began without funds, staff, or property, acquired its first house, the Swett-Ilsley house in Newbury, Massachusetts, in 1911, and purchased its present headquarters, the distinguished Harrison Gray Otis house at 141 Cambridge Street, in 1916. Today the SPNEA is Boston's largest and most active historical society. It owns properties in five of the New England states, issues a quarterly bulletin, maintains a reference and research library, initiates and cooperates with various educational programs, and makes its staff available for consultation.

The same pressures of urban development that encouraged the growth of Boston's private preservation organizations prompted the city's first municipally sponsored historical survey, which was conducted by Mayor James M. Curley's Commission on Marking Historic Sites. This Commission, established in 1924, was an outgrowth of private activities organized by the Sons of the Revolution Tablet Committee, which had been established in 1891. The City Council appropriated \$35,000 for the Commission's activities, and the Commission erected some 150 historical markers as the first serious attempt to make public note of what happened in colonial and revolutionary Boston. The encouragement of historical awareness was thereby implicitly recognized as an area of public concern and an appropriate field for governmental commitment.

While public support for privately initiated preservation projects was becoming increasingly accepted, the courts were establishing the legitimacy of governmental involvement in the aesthetic regulation of the environment. Beginning at the turn of the century, a series of court rulings on this question gradually built up a body of legal precedents that became the foundation for later preservation efforts. In 1899 the Massachusetts Supreme Judicial Court, ruling in *Attorney General v. Williams*, 174 Mass 476 (1899), gave impetus to the recognition that the conservation of a municipality's physical amenities, its inter-related architectural and topographical features, was relevant to the public welfare and therefore justified the exercise of public powers. (For a survey of legislation and litigation related to historic preservation and aesthetic regulation in the Commonwealth, see Appendix I.) In this decision the court held that the existence of height restrictions around Copley Square (with compensation to property owners for compliance)

adds to the public park rights in light and air and in the view over adjacent land above the line to which buildings may be erected. These rights are in the nature of an easement created by the statute and annexed to the park.

And in explicitly declaring the relevance of such easements to the public welfare, the court went on to say that parks

produce pleasing and satisfactory effects on the emotional and spiritual side of our nature. Their influence should be up-lifting and in the highest sense, educational. If wisely planned and properly cared for they promote the mental as well as the physical health of the people. For this reason it has always been deemed proper to expend money in the care and adornment of them to make them beautiful and enjoyable.

Shortly after the Attorney General V. Williams ruling, in another height restriction case, Parker v. Commonwealth, 178 Mass. 199 (1901), the court upheld St. 1899, c. 457, which limits the height of buildings to 70 feet in the vicinity of the State House. Here the court ruled that the

Statute was passed at least as much in the interest of the Commonwealth as an owner of property ... that one object at any rate was to save the dignity and beauty of the city at its culminating point, for the pride of every Bostonian and for the pleasure of every member of the State.

This decision further states that

such a law is no less valid when passed to satisfy the love of beauty than when passed to appease the fear of fire.

The use of police powers for architectural regulation continued to be held valid by the state's courts, and as early as 1935, the right of a municipality to enact regulations for the preservation of scenic beauty and places of historic interest was approved in principle (General Outdoor Advertising v. Department of Public Works, 289 Mass 149). These decisions opened the way for a considerable broadening of public involvement in architectural and historic preservation, which was coming to be seen as one aspect of concern for the visual environment. In the 1950's and 1960's the General Court,

responding to the initiative of local groups, passed special legislative acts establishing architectural review districts on Beacon Hill (St. 1955, c. 616, as amended) and in Back Bay (St. 1966, c. 625). The purpose of these architectural review districts, as set forth in the Back Bay legislation, is to

promote the economic, cultural, educational and general welfare of the public through the encouragement of high design standards for the residential portion of the Back Bay area in the city of Boston; to safeguard the heritage of the city of Boston by preventing the despoliation of a district in that city which reflects important elements of its cultural, social, economic and political history; to stabilize and strengthen residential property values in such area; to foster civic beauty and to strengthen the economy of the commonwealth and the city of Boston.

The "high design standards" of these districts are maintained by the authority of the Beacon Hill and Back Bay Architectural Commissions to control exterior changes through the granting or denial of certificates of design approval for all proposed construction, reconstruction, alteration and demolition of structures and architectural features visible from a public way. Far from being "museum" areas, Beacon Hill and Back Bay are thriving residential districts where citizens take pride in maintaining the distinguished architectural features that have brought special recognition to their neighborhoods.

Although Beacon Hill and Back Bay are the only areas of the city where regulatory authority has been established for the purposes of conserving architectural and historical features, Boston has continued to support a variety of preservation activities. In 1960 the Final Report of the Boston

National Historic Sites Commission was issued. The Commission had been created by the 84th Congress (P.L. 75, 69 Stat. 136) to complete "an inventory and analysis of historic properties and recommendations for programs, including cooperation from the Federal Government to preserve and interpret these properties in the public interest." The Commission's report focused on sites associated with the Colonial and Revolutionary War periods (chiefly the Old State House, the Shirley-Eustis House, Faneuil Hall, North Square, the Old North Church, Dorchester Heights, Bunker Hill, and the Old Corner Book Store) and recommended a coordinated program to improve and maintain them. Although the report's recommendations for specific sites have never been implemented, its emphasis on the need for a comprehensive preservation program in the Boston area proved influential in the creation, in 1961, of Mayor Collins' Boston Historic Conservation Committee. This Committee undertook a series of architectural surveys in order to bring to the attention of the Boston Redevelopment Authority buildings and areas that were worthy of preservation, particularly those in urban renewal project areas.

The Mayor's Committee, which has not functioned as a group for several years, did not have legal authority to act for the protection of buildings or areas and was therefore largely ineffective in resolving specific preservation problems. This limitation became apparent three months after the Committee had been formed, when questions involving the preservation of India Wharf arose. The India Wharf, designed by Charles Bulfinch and built c. 1805, stood at the end of State Street. Architecturally and historically it was indubitably the most distinguished building complex on Boston's waterfront. On February 15, 1962, an article on page 40 of the Boston Globe noted that Dreyfus Properties, Inc., owners of the Wharf, were planning to clear the site and that the demolition contract had already been awarded to a wrecking firm. Subsequently,

members of the Mayor's Committee made a statement urging that the complex be retained, and declaring that it was "the center of the colorful China and India trades that were the lifeblood of Boston in the era of sail," and "probably the only existing important commercial building on the eastern coast by so important an architect." The Greater Boston Chamber of Commerce joined the Mayor's Committee and met with the owners of the Wharf in an attempt to persuade them to leave the buildings standing. It was pointed out at this meeting that if demolition were delayed the Boston Redevelopment Authority would be able within a year to propose a plan for rehabilitation. The owners were not persuaded; four months after the issue became public, demolition began.

The activities of the Mayor's Committee, the Boston National Historic Sites Commission, and the Beacon Hill and Back Bay Architectural Commissions demonstrate the increasingly active role played by government at all levels in the effort to maintain the city's historical assets as integral elements in a living environment. In another recent instance, the City cooperated with the private preservationists who in 1960 raised an equity payment of \$50,000 and secured a mortgage of more than \$200,000 in a matter of weeks in order to preserve the Old Corner Book Store. Historic Boston, Inc., a non-profit organization which was incorporated to own and manage the property, determined that the building's interior had been irredeemably denatured and that to restore it for exhibition would be a sham. Therefore, a partial restoration sympathetic to the needs of modern business was undertaken, a commercial tenant was found, and the building was, and is, maintained as a self-supporting, taxpaying property.

The concept of adaptive re-use exemplified by the Old Corner Book Store effort has characterized preservation in Boston during the 1960's. It has been recognized that not all historically and architecturally valuable

buildings can or should be turned into museums; practical new uses must be found for most of them, enabling them to fulfill the needs of the present while serving as reminders of the past and lending visual variety to the cityscape. Thus, the Quincy Market and the North and South Market Street Buildings, designed by Alexander Parris in 1824, are soon to be rehabilitated as part of the Boston Redevelopment Authority's Downtown Waterfront/Faneuil Hall Urban Renewal Project for retail and professional use in accordance with a study jointly made for the Authority by Architectural Heritage Incorporated and the Society for the Preservation of New England Antiquities. Boston's Old City Hall, which served as the seat of city government from 1865 until 1969, is also being preserved - but not as a government building. Through a joint effort on the part of the Boston Redevelopment Authority and Old City Hall Landmark Corporation, a private organization, the Old City Hall is being renovated in a manner that will preserve its site and exterior architectural features while converting it into a revenue producing, commercial property.

Since the privately sponsored attempt to preserve the Hancock House as a museum in 1859, the goals and techniques of Boston's architectural conservation movement have both broadened and changed. The movement initially drew its strength from the desire of late nineteenth century Bostonians to preserve the vestiges of the city's colonial and revolutionary history for exhibition. Preservation was closely linked with historical education and usually involved the creation of museums in older buildings. Today, "preservation" usually means the maintenance of buildings through their adaptation for new uses, and architectural preservationists are primarily concerned not with exhibition but with the quality of the environment. This transformation is the result of an increasing awareness of the social importance of urban form and reflects a nationwide development. Many federal, state, and municipal agencies are now involved in maintaining sites and areas of historical and architectural value.

EVALUATION OF PREVIOUS ARCHITECTURAL STUDIES OF BOSTON

While Boston has a long tradition of involvement in historic preservation and is extraordinarily rich in outstanding individual buildings and distinguished neighborhoods, no comprehensive architectural survey of the city has ever been undertaken. An architectural survey is a study whose purpose is to identify and evaluate buildings and areas of historical and architectural value. A thorough study of this kind, an indispensable tool in any program of historic preservation, serves a number of purposes: it increases citizens' awareness of the distinctive character of their city and the value of the architectural legacy of the past, stimulates neighborhood pride, and provides a sound basis for decision making by both public authorities and private owners. A particularly thorough survey is currently being executed by the Cambridge Historical Commission; less ambitious but excellent surveys have been done in many other cities, notably Providence, New Orleans, and New York City.

The need for a comprehensive architectural survey of Boston is particularly acute in 1970, as growing concern is felt for the maintenance of the inner city as a liveable environment, and as Boston's resurgent vitality as a commercial center takes the form of a dramatic increase in new construction. Much useful research on Boston's architecture and topographical development has already been done, and a comprehensive architectural survey of the city would build on a number of previous efforts of more limited scope.

The most recent study of Boston's architecture was undertaken by the Boston Historic Conservation Committee, established in 1961. Three of the area studies carried out under this program were published: one on the north slope of Beacon Hill, one on the Back Bay, and one on Marlborough Street. Others are available in the form of listings or drafts at the Boston Athenaeum. Although these are useful as preliminary visual surveys, they are by no means comprehensive in their coverage of areas or of the range of architecture before 1900, and they give little attention to industrial and commercial areas, to neighborhoods developed

relatively recently, and to twentieth-century building forms in general. Although the reports provide a substantial base for further research, they require considerable supplementation and expansion.

Surveys of several areas in Boston have been done by architectural historians within the Planning Department of the Boston Redevelopment Authority. These studies vary in scope and in depth. Architectural and historical research has been done on Charlestown, the Roxbury-North Dorchester Model Cities Neighborhood, the South End, and the Back Bay. In addition, specific research projects have been undertaken by BRA architectural historians in order to document buildings, sites, and architectural complexes. Among these have been studies of Highland Park, the Armory of the First Corps of Cadets, and Charlestown's First Baptist Church.

Research on more specialized topics has contributed much to our understanding of Boston's development as a city. The context of Boston's architectural development has been fully detailed by Walter Muir Whitehill in his indispensable Topographical History of Boston (rev. ed., Cambridge, Mass., 1968). The most thorough architectural study of a Boston neighborhood is Bainbridge Bunting's Houses of Boston's Back Bay (Cambridge, Mass., 1967), an authoritative account of the topographical development, architectural history, and social, economic, and cultural background of the Back Bay residential area. Beacon Hill, too, has received scholarly attention. Allen Chamberlain's Beacon Hill, Its Ancient Pastures and Early Mansions (Boston and New York, 1925) is a detailed narrative of the development of the Hill, with emphasis on social and topographical history rather than architectural styles. Chamberlain's work has been supplemented by an architectural survey of the area roughly bounded by the State House, Charles Street, Beacon Street, and Pinckney Street. This survey, commissioned by the Beacon Hill Civic Association, was carried out by Carl J. Weinhardt, Jr., and Henry A. Millon. Weinhardt published an account and analysis of the survey's findings in the Proceedings of the Bostonian Society for 1958 (Boston, 1958, pp. 11-32). Finally, many special studies

have been done on individual Boston buildings. Some, the work of professional scholars, have been published in local or national journals, while others, done by students in Boston area colleges and graduate schools, are on file in university offices and libraries. The latter, though varied in quality and limited of access, can be extremely valuable, particularly for late nineteenth century industrial buildings, which have generally been neglected in other studies.

Taken together, these limited surveys and specific studies constitute the groundwork for further research: they can form the starting point for a definitive architectural survey of Boston. The need now is for a truly comprehensive study - one in which neighborhoods hitherto neglected by architectural historians are studied as carefully as those whose qualities are already widely known and appreciated. Buildings of certain types and periods which have been given scant attention in earlier studies deserve to be considered more thoughtfully. Popular and vernacular architecture must be considered, as well as grand and unique monuments. Finally, the values represented by buildings and architectural complexes need to be considered more broadly than they have been in the past: for their intrinsic qualities, both as works of art and as documents reflecting the social and cultural history of all the city's communities; for their role in defining the character of neighborhoods; and for their contribution to the environmental quality of Boston.

Description and Analysis of Existing Programs

The complicated network of organizations engaged in historic preservation in Boston today is the result of a long process of increasing private and public involvement. Private historical societies have proliferated, while the City has consistently taken part in the expanding preservation programs of the federal and state governments. Moreover, a number of city departments have concerned themselves with preservation issues related to their particular areas of responsibility. Nonetheless, Boston's total architectural conservation effort, including the activities of both private groups and governmental agencies, remains diffuse, sporadic, and ultimately inadequate. The existing preservation programs, like the many available studies relating to Boston's architectural history, are fragmented and uneven in quality, but valuable resources despite their cumulative limitations.

Private Organizations

Boston's privately sponsored architectural preservation is currently supported by thirty-odd committees, commissions, and societies that are concerned with the preservation of the city's architectural and historical resources. The total membership and staff of these organizations is about 4,200, but they range in size from the Society for the Preservation of New England Antiquities (with about 2,000 members, a dozen full-time staff, and 62 properties) to the Roxbury Historical Society (with 55 members and no property or full-time staff). Their concerns include the collecting of historical materials, the maintenance of scholarly research centers, the preservation of notable architectural and historical sites, and the operation of museums. These preservation groups own or help to maintain twenty sites in Boston. Beyond the maintenance of historical collections and properties, Boston's average monthly preservation activity includes the mailing of twelve newsletters and one pamphlet and the presentation of three lectures or tours.

This private activity is not organized on a city-wide basis; each group has an independent program which reflects its members' interest in particular historical properties or in their own area. Historic Boston Incorporated, for example, is concerned exclusively with the maintenance of the Old Corner Book Store. Several organizations are dedicated to the history of particular areas in the city--Brighton, Charlestown, East Boston, Roxbury, the South End, and West Roxbury. Of these, the Dorchester Historical Society, incorporated in 1891, has perhaps the most diversified program. Besides holding monthly meetings, the Society owns and operates three colonial and early federal houses and maintains for reference and exhibition an extensive collection of Dorchester memorabilia, books, and photographs. In the past year the Society has become interested in acquiring an unusual "carpenter's Gothic" house--one of Boston's few surviving examples of an important nineteenth century architectural type. The Brighton Historical Society, a more recently founded but equally active group, has organized successful walking tours to

introduce residents to the architectural and historical resources of the area. Members of the Brighton Historical Society have also worked with the city's Parks and Recreation Department to rehabilitate the eighteenth century Market Street Burying Ground.

The activities of these and Boston's other private historical societies are of real value to the city. Growing out of their members' enthusiastic interest in their communities, the ongoing programs and special projects of these groups also stimulate and reinforce the interest of others. However, even working cooperatively, these private groups cannot possibly meet the preservation needs of the entire city. Their resources are extremely limited, and they frequently need to call upon professional advice and expertise. A comprehensive public preservation agency at the city level could not only supplement, and where appropriate, coordinate the efforts of these private organizations, but also provide advisory services and encouragement to their projects. Their pride in and commitment to the city deserves recognition and support.

Federal Programs

Federal programs instituted over the past decade show a growing public commitment to the maintenance and enhancement of the distinctive visual amenities of American cities. Several of these programs are exclusively concerned with the conservation of distinguished older buildings, while others are directed toward a variety of visual improvements which may contribute to the beauty, interest and vitality of the urban environment.

The expansion of the Federal government's involvement in historic preservation reflects a growing recognition of the values represented by the tangible evidence of the past and a broadening conception of the role of preservation. In recent years, emphasis has shifted from a relatively narrow concern with sites and structures associated with historic events, preserved as museums or designated by markers, to a conception of architectural preservation as an integral component of environmental quality. There has been increasing awareness of the potential of older buildings and neighborhoods to contribute to the beauty and diversity of people's surroundings, and this awareness has given rise to a variety of federal programs supporting preservation efforts.

An early step was the establishment in 1934 of the Historic American Buildings survey, a program originally devised to give work to unemployed architects and draughtsmen, but revived for its intrinsic value after this need had ceased to exist. The Historic American Buildings Survey is a national archive of significant American architecture which now contains over 27,000 measured drawings, 37,000 photographs, and 6,000 pages of architectural and historical data for approximately 10,000 buildings. Inclusion in the Historic American Buildings Survey affords no protection to a building; however, its value as a repository of information cannot be overestimated.

In 1949, Congress chartered the National Trust for Historic Preservation, a private organization formed for

the purpose of holding and maintaining properties of national historical significance and providing technical assistance for preservation projects (63 Stat. 927; October 26, 1949). The Trust proved an invaluable resource in many areas, but by the 1960's an urgent need was felt for more decisive public action on behalf of historic preservation, as the nation began to realize the devastating physical impact of the post-war building boom and of federal highway construction and urban renewal programs. In response to mounting alarm at the sweeping away of the country's architectural legacy, a Special Committee on Historic Preservation was formed under the auspices of the United States Conference of Mayors. Its massive report, funded by a grant from the Ford Foundation and published in 1966 under the title With Heritage So Rich (New York, 1966), made a compelling case for an immediate commitment of federal funds and programs to historic preservation. The report's recommendations formed the basis for the Historic Preservation Act of 1966 (Pub. L. 89-665; 80 Stat. 915; October 15, 1966).

The governmental agency most directly affected by the Historic Preservation Act was the Department of the Interior. Already existing preservation programs were placed within a new office of Archaeology and Historic Preservation in the Department's National Park Service. An Advisory Council on Historic Preservation was established and charged with advising the President and Congress on national preservation policy. Another important result of the 1966 Act was the expansion of the National Register of Historic Places, formerly a listing of about 600 nationally important landmarks to include properties of local and state significance. The rationale for this action was set forth in the report of the House Committee recommending passage:

Most existing Federal programs and criteria for preservation are limited to natural and historic properties determined to be nationally significant. Only a limited number of properties meet this standard. Many others which are worthy of protection because of

their architectural or cultural significance at the community, State, or regional level have little protection....It is important that they be brought to light and that attention be focused on their significance wherever proposals are made in, for instance, the urban renewal field or the public roads program or for the construction of Federal projects under Federal license that may involve their destruction. Only thus can a meaningful balance be struck between preservation of these important elements of our heritage and new construction to meet the needs of our ever-growing communities and cities. (H.R. Rep. No. 1916 - Interior and Insular Affairs Committee - August 30, 1966; 1966, U.S. Code, Cong. and Admin. News, p. 3309).

Under the provisions of the Act, properties of state and local significance may be nominated to the Register by a State Liaison Officer appointed by the Governor for this purpose, with the recommendation of a professional state consulting committee. All such nominations are reviewed by the Office of Archaeology and Historic Preservation before approval by the National Park Service for inclusion in the Register. Since the passage of the Historic Preservation Act, the National Register has expanded dramatically, almost doubling its listings.

The Historic Preservation Act not only broadened eligibility requirements for the Register; it also provided a measure of protection for listed properties. All federally assisted projects affecting properties on the Register must now be reviewed by the Advisory Council on Historic Preservation, and the effect of the project on the listed property considered by the Secretary of the relevant Department before the approval of project funding.

Finally, the Historic Preservation Act authorized financial assistance from the National Park Service to preservation projects. Provision was made for grants to states and to the National Trust for up to 50% of the cost of acquiring and developing for historic preservation

purposes properties listed on the National Register. Grants to states were also authorized to cover up to 50% of the cost of preparing a statewide survey of historical assets. To date, the grant-in-aid programs have not been adequately funded; their impact has therefore been relatively insignificant.

The federal commitment to historic preservation is not limited to the activities of the Office of Archaeology and Historic Preservation, however. The protections afforded National Register properties impinge on all federally funded projects. Furthermore, the Department of Housing and Urban Development, through a variety of environmental improvement programs, offers assistance to a wide range of local preservation projects.

In addition to the Planning Assistance Program, which has already been described (see p.9, above), the Urban Renewal Program provides funding for preservation activities within urban renewal projects (Title I, Housing Act of 1949, Pub. L. 81-171, as amended by the Model Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, 80 Stat. 1255, November 3, 1966). Among the activities for which urban renewal funds may be expended are surveying properties to identify historical assets in the renewal area and determine the feasibility of restoration and rehabilitation; planning for preservation; preparation of property restoration standards; spot clearance to promote historic and architectural preservation; and the installation of public improvements in project areas to enhance and protect historic sites. Urban Renewal funds may also be used to restore for public use an architecturally or historically valuable structure acquired by the local renewal agency or to move such a structure outside the project area in order that it may be preserved. Educational materials may be prepared to broaden public awareness of an area's distinctive qualities. The Urban Renewal Program also offers grants and loans to assist property owners in the rehabilitation of buildings in renewal areas. Although these funds may not be used to finance historic restoration, they may be used to make historically and architecturally notable buildings structurally sound, thereby protecting them until more detailed restoration can be done. Urban Renewal funds may also be used to provide advisory services on property restoration and maintenance.

Related to the Urban Renewal Program is the Department's program of Urban Renewal Demonstration Grants. (Section 314, Housing Act of 1954 - Pub. L. 83-560, as amended). These grants are available to public bodies and non-profit organizations and cover up to 90% of the cost of projects designed to develop new methods in urban renewal. Several projects funded under this program have been concerned with problems of development and conservation in historic areas. Among the most successful of these is the study done of College Hill in Providence, Rhode Island (College Hill: A Demonstration Study of Historic Area Renewal, Providence, 1967).

The Department of Housing and Urban Development also provides funding for historic preservation activities unrelated to urban renewal projects. Under the Urban Beautification and Improvement Program, cities may receive grants to improve historic properties with paving, plantings, fencing, special lighting, or other enhancements as part of a comprehensive beautification plan (Section 706, Housing Act of 1961, Pub. L. 87-70, as added by the Housing and Urban Development Act of 1965, Pub. L. 89-117, 79 Stat. 451, 502, August 10, 1965). A program of Grants for Historic Preservation makes matching grants of state or local bodies for up to 50% of the cost of acquiring, restoring, and improving for public benefit sites, structures, and areas meeting the criteria of eligibility for the National Register (Title VI, Housing Act of 1961, Pub. L. 87-70, as amended by the Model Cities and Metropolitan Development Act of 1966). Historic Preservation grants may also be used to acquire partial rights in eligible properties, allowing the purchaser to protect the historical or architectural value of a property without assuming full ownership. The Historic Preservation Grant program is complemented by HUD's program of grants for the purchase of open space land (Title VII, Housing Act of 1961, Pub. L. 87-70, as amended by the Model Cities and Metropolitan Development Act of 1966). These grants allow up to 50% of the cost of acquisition of land for open space use, or for developing land for such use in accordance with comprehensive local and area planning. These funds may be used for a variety of preservation purposes: to acquire open space to preserve or enhance an historic property; to purchase a largely undeveloped area of historic interest; to improve such an area; to acquire less-than-fee interests in undeveloped historic land; and to acquire historic properties valued at less than \$25,000 and located on undeveloped land.

Moreover, HUD Open Space Land Grants may be used in combination with Grants for Historic Preservation.

Although most of the federal programs concerned with historic preservation and visual improvement are located within the National Park Service and the Department of Housing and Urban Development, the national transportation agencies have become increasingly involved in these and other environmental concerns. In 1964, the Bureau of Public Roads, then in the Department of Commerce, began to require that state plans for federally funded highway projects contain statements that the projects had been reviewed by public authorities responsible for recreational and historical resources. The Highway Beautification Act of 1965, administered after 1967 by the newly created Department of Transportation, authorized the expenditure of federal funds for the preservation, restoration and enhancement of scenic beauty along Interstate and primary highway systems (Pub.L.89-285; 79 Stat. 1028; October 22, 1965). This law requires states to establish standards for the control of junkyards, dumps and outdoor advertising adjacent to federally funded highways. The law has never been adequately funded and has proved difficult to administer, but it established the government's commitment to the maintenance of visual beauty as a public concern. This commitment was strengthened significantly in 1969 with the institution of an Office of Environment and Urban Systems within the Department of Transportation. This office was given broad responsibilities for research, planning, program coordination, and policy recommendation, with a view to making the Department's programs more sensitive to environmental values and minimizing the adverse effects of transportation systems. Shortly afterward, Congress passed the National Environmental Policy Act of 1969, which requires all federal agencies to consider the effects of their activities on the environment (Pub.L.91-190; 83 Stat.852; January 1, 1970). The impact of this law has yet to be felt, but the Office of Environment and Urban Systems has already had widely publicized influence on decisions within the Department of Transportation. Three

Federal transportation proposals have been disallowed on the grounds that they would have had negative environmental effects. The Department has withdrawn funds from the proposed expansion of the Miami, Florida jetport because the project would have endangered the ecological balance of the Everglades National Park; decided not to finance the construction of an Interstate highway through New Hampshire's scenic Franconia Notch; and dramatically halted the construction of the Riverfront Expressway in New Orleans, which was judged to be detrimental to the character of the city's historic French Quarter. The last example in particular demonstrates the integration of historic preservation concerns with other environmental values in the formulation and administration of Federal policy.

The various federal programs described above demonstrate a decisive public commitment to the revitalization of cities through the conservation and enhancement of historical and other visual assets. They are designed to encourage cities and states to consider historic preservation in the context of the total environment and in relation to other planning issues and needs, and they enable localities to use historic preservation as a means of environmental improvement. However, their success is dependent on vigorous action at the state and local levels. The State Liaison Officers, for example, have the responsibility of initiating applications to the National Register for properties of local and state significance, which would not otherwise be known to the National Park Service. Since only properties certified as eligible for the National Register are considered for HUD Historic Preservation grants, there must be a local group of recognized competence to confirm the eligibility of properties not yet on the Register for federal financial assistance. Obviously, federal grants may be made only to local and state bodies that apply for them, and federal matching grants are only available to communities that have the will and the resources to raise local shares. Energetic and imaginative state and local bodies, equipped with a thorough knowledge of local historical assets and of the full range of

opportunities for federal assistance, are essential to the effective functioning of the federal programs.

Boston has benefited considerably from federal preservation assistance. Grants for Historic Preservation are being used to restore the Shirley-Eustis house in Roxbury under the auspices of the Massachusetts Historical Commission, and the Faneuil Hall Markets building under the auspices of the Boston Redevelopment Authority. Urban Renewal funds are making possible the restoration of the North and South Market Streets buildings and have supported architectural surveys in several historic areas, notably Charlestown and the South End. Urban Beautification funds have been allocated for the rehabilitation of Highland Park.

Even with the support of full local participation, however, federal programs are not in themselves adequate to deal with all the problems of historic preservation and environmental improvement. Long-term, comprehensive architectural surveys of large cities cannot be funded through federal programs, which provide support only for initial planning surveys and for surveys in urban renewal areas. National Park Service grants are too small to support thorough inventories of historic assets at the state level. Furthermore, federal designations of historic or architecturally distinguished properties afford only limited protection. The National Register carries no absolute prohibition on demolition or inappropriate alteration, only the requirement of a delay and review period, and even this check is applicable only to federally funded projects, not to the actions of private owners or of state and local agencies. Finally, federal grants cannot be available for every historic property in need of restoration or rehabilitation. If all the needs for research, documentation, and protection of historically valuable sites and buildings are to be met, federal programs must be complemented by independent efforts initiated at the state and local levels.

State and Regional Agencies

In Massachusetts, responsibility for historic preservation activities and for broader concerns in the area of the visual environment is divided among several

agencies. The Massachusetts Historical Commission is the chief agency charged with carrying out historic preservation programs at the state level (GL ch. 9, sec. 26, 27; ch. 40C, sec 3; ch. 79, sec. 5A).

The Commission is a board composed of nine citizens appointed by the Governor, including the Secretary of State, who serves as Chairman and chief administrator of the Commission and State Liaison Officer for the preservation programs of the National Park Service. The Commission approves recommendations from the state to the National Register and is charged with compiling an inventory of the Commonwealth's historic assets and consulting with state and local agencies on plans for urban renewal and highway construction. It may also, with the consent of the owner, designate a property as a Massachusetts Historic Landmark if it meets certain criteria of significance to the Commonwealth. This designation protects the landmark from alterations impairing its historic value for a delaying period of one year. Furthermore, it exempts the landmark from taking by eminent domain except by special act of the General Court (GL ch. 79, sec. 5).

One other state agency and a regional one have been concerned in limited ways with historic preservation. The Massachusetts Council on the Arts and Humanities, an advisory board administering a small budget from federal and state funds, makes limited grants for demonstration projects (GL ch. 15, sec. 40 et seq.). In recent years, the Council has awarded matching grants to public and private agencies (historical societies, museums, libraries, and town governments, for example) for the purposes of restoring works of art, documenting significant buildings, reproducing documents, and carrying out small-scale architectural surveys. The regional agency concerned tangentially with preservation is the Metropolitan Area Planning Council, which is responsible for regional planning in the Boston metropolitan area planning district (GL ch. 17, sec. 109 et seq.). The Council's first major project, begun in 1965, is a comprehensive study of the district's open space and recreational needs, with a

recommended program of action at the local, regional, and state levels. Among the goals of the program outlined in the Council report (Open Space and Recreational Plan and Program for Metropolitan Boston, I, mimeographed, Boston, n.d.) are the protection and development of historic areas and sites for the education and enjoyment of the public.

The state programs outlined above - the inventory, review, and designation work of the Massachusetts Historical Commission, the grants administered by the Council on the Arts and Humanities, and the planning activities of the Metropolitan Area Planning Council, cover broad areas and are limited in their effectiveness within any one city or town. The Massachusetts Historical Commission has state-wide responsibilities, including consultation on highway and urban renewal plans, the provision of advisory services to local historical commissions and historic district commissions, and dissemination of information on National Park Service and state preservation programs. The Commission can only rarely undertake study projects and must generally depend on locally administered surveys for detailed inventories and documentation of historic properties.

The Massachusetts Historical Commission's landmark protection program, like its inventory program, is limited in its usefulness to any particular city. The enormous field of vision required of the State Commission tends to confine its designations to individual monuments of transcendent importance. Local landmarks which do not meet the criteria of outstanding significance to the Commonwealth

but are essential to the character of portions of a city cannot practically be included. Another serious drawback to local dependence on the Massachusetts Historical Commission is its method of landmark certification. Certification of a Massachusetts Historic Landmark involves a deed restriction on the property, and permission for designation must be obtained from the property owner. Massachusetts certification thus is possible only for those structures and sites that are already owned by persons or groups having no interest in inappropriate alteration, demolition, or development. Even if an endangered building is already certified, the Commission may only delay demolition or alteration for one year. Finally, the requirement of owner consent makes it generally impracticable for the Commission to designate neighborhoods, even those of extraordinary architectural distinction.

Other state and regional efforts in the field of architectural preservation are similarly limited in their impact on particular localities. The grants awarded by the Massachusetts Council on the Arts and Humanities cannot be made in the amounts necessary to sustain long-term programs of research and documentation, or even to restore architectural properties. The breadth of the area covered in the Metropolitan Area Planning Council's study precludes detailed considerations of plans for specific historic properties. The Council's report recommends general preservation and development policies and notes several examples of sites meriting protection and improvement, but it does not attempt even a comprehensive listing of such sites.

Historic preservation programs at the state and regional levels cannot be expected to act as substitutes for local programs; to a great extent, their effectiveness is dependent on local support. Comprehensive preservation plans for particular municipalities must be developed at the local level, where the resources and needs of the community are best known, and where pride in local historical assets is most keenly felt. Furthermore, protective controls instituted by communities can fulfill needs that the state's limited landmark certification program cannot possibly meet. Local controls, based on thorough knowledge

of local conditions and administered at the level of government closest to the people affected, can be more appropriate to special community needs, more broadly applied, and more effective.

In the broader context of protection of the visual environment, two Massachusetts state agencies have been accorded powers which demonstrate a decisive public commitment to the maintenance and enhancement of the visual environment but in practice require local participation and support to be effective.

The Metropolitan District Commission, a state agency with regional responsibilities in the Boston Metropolitan District, was created in 1919 to administer the Metropolitan Water Supply Service, the Metropolitan Sewage Treatment and Disposal System, and the extensive Metropolitan Parks System (St. 1919, c. 350). The MDC, in its capacity as the successor of the Metropolitan Parks Commission, has broad responsibilities for both the provision and the maintenance of public recreational areas. The Commission is empowered to preserve, care for, and landscape its reservations (GL ch. 92, sec. 33, 35) and to acquire, by eminent domain or otherwise, control of areas along its rivers, ponds and parkways. It may prohibit commercial uses and plant and remove trees and shrubs in these areas. These powers, conferred in 1893 (St. 1893, c. 407) and 1898 (St. 1898, c. 463) constitute an early precedent for the governmental protection of environmental beauty. However, the Commission's power of eminent domain, which may be used to acquire land for public open space, may also be exercised for the construction of roadways (GL ch. 92, sec. 35, 80). The Commission's road-building power was originally conferred with the purpose of providing scenic pleasure drives and making the parklands more accessible, but in recent years this function has come into conflict with the Commission's mandates to provide public open space and recreational facilities. To insure that environmental values are given significant weight in Commission decisions, it is necessary for localities within the Metropolitan District to make known their priorities for their own communities. Certain types of MDC projects require the consent of local bodies,

and here too, local sentiment can have a decisive effect on the agency's actions. Local consent is necessary for the construction of bridges over the Charles River (GL c. 19, sec. 69), the taking by eminent domain of private property (GL ch. 92, sec. 79), and the taking of public parklands for the construction or widening of a public way, canal, or railroad (GL ch. 92, sec. 80).

The state's Department of Public Works, like the MDC, has been granted powers to maintain and improve the visual environment as corollaries to its major responsibilities. Among these is the power to control and restrict advertising on public ways or within public view of any highway, public park, or reservation (Mass. Constitutional Amendments, Article 50; GL ch. 93, sec. 29). The Outdoor Advertising Board, an agency within the Department but not subject to its control, regulates billboards, signs, and other forms of off-site advertising (GL ch. 16, sec. 13, 14). The Department of Public Works is chiefly concerned, however, with the planning and construction of roads. Under legislation passed in 1967, the Department was authorized to acquire lands and rights in land within or adjacent to federal aid highways for the restoration, preservation, and enhancement of scenic beauty, or, with the consent of the Massachusetts Historical Commission and subject to the availability of federal reimbursement, historic sites (St. 1967, c. 397). Local agencies can make an important contribution to the effective implementation of this law by making the Department planners aware of areas within their localities that merit protection. Furthermore, the success of the Department's efforts to provide for the protection of historic sites within or near the right-of-way in accordance with the federal directive of 1964 depends on the State Liaison Officer's awareness of all historically or architecturally valuable properties, including those of local significance. The support of local bodies in providing information to the State Liaison Officer is crucial to the protection of all such properties. Boston, at present, has no coordinated program for providing information of this kind to the State Liaison Officer.

City Agencies and Departments

Present city involvement in architectural and historic conservation includes the designation of historic trails, public ownership and maintenance of several historic monuments and sites, architectural regulation of two distinguished nineteenth century residential areas, and urban renewal project planning for architectural and historic conservation. The cooperation of several city departments and agencies is required for the execution of these functions, but local programs concerning architectural and historic conservation are primarily dependent upon the Boston Redevelopment Authority, the Beacon Hill and Back Bay Architectural Commissions, the Parks and Recreation Department, and the Public Facilities Department.

Boston Redevelopment Authority

Much of Boston's participation in preservation planning and architectural conservation has been generated by the Redevelopment Authority. The Authority's 1966 General Plan recognizes those "aesthetic virtues that distinguish Boston from other large cities in America," and describes Boston as a city of "richly historic...neighborhoods, unique architecture, and varied topography of hills and water." The preservation and strengthening of the historic character of the city is cited as one of the basic goals of the plan. The Authority's concern for the conservation of those elements and patterns that characterize the city and provide the physical amenities with which the city has become identified is apparent in several of its redevelopment and planning projects.

The renewal project that is most supportive of architectural conservation is the Faneuil Hall-Waterfront Plan. As presented in the plan document (April, 1964), project objectives include preservation and rehabilitation of buildings and areas of architectural and historical significance, maintenance of street and development patterns

characteristic of Boston's waterfront, and encouragement of new construction respectful of the traditional scale, materials, and building forms of the warehouse and market districts. Also enumerated in the plan are development controls designed to promote appropriate rehabilitation and construction within the Blackstone Block and the area surrounding Faneuil Hall. The Waterfront Project has commissioned and produced a proposal for the rehabilitation and restoration of the Faneuil Hall Markets complex and has prepared, with federal assistance, a development package for exterior restoration and reuse of this nationally important group of buildings.

Other projects which attempt to conserve the architectural quality of the city include the School-Franklin (Central Business District), South End, and Charlestown urban renewal plans. Under the School-Franklin Plan, for example, Boston's French Second Empire City Hall is being rehabilitated and converted to serve as a mixed use building of offices, retail shops, and restaurants.

Although several tangible accomplishments in preservation have been made in Boston through renewal, basic goals for the protection of notable building forms and development patterns have not been achieved. Because BRA design review is generally advisory, there is very little that the Authority can do to enforce specified design standards for properties not included in development parcels or rehabilitated without public assistance. The Authority is empowered to acquire properties that do not meet the rehabilitation and design standards specified in renewal plans, but use of this alternative is always severely curtailed by budget limitations. Despite the stated objectives for architectural and historic preservation that are developed before project execution, project planners, engineers, and rehabilitation teams rarely have the interest or special technical resources needed to insure their realization.

In its capacity as the planning board for the city of Boston, the Authority has initiated several studies that advocate the conservation of specific areas and physical features. These studies include the 1967-68 Plan for the Charles and Muddy Rivers and the 1969 Boston/Downtown Study. The Downtown Study is of particular interest because it is an attempt to "produce and design a development plan that would accommodate new development and at the same time maintain Boston's historical and architectural heritage ...". The Study contains a summary architectural analysis of downtown Boston and recommends both conservation areas and potential development sites. Although the BRA has been planning for downtown redevelopment for almost a decade, this recent Study is its first attempt to describe the urban quality of the area and to begin to consider architectural protection as part of the district's physical renewal.

Another area of the city that has been the subject of special planning considerations for architectural conservation is the Back Bay. In November, 1969, a special Task Force on Back Bay was appointed by the Authority's Director. The Task Force was asked to make recommendations on several development and community improvement issues, the most important of which concerned high-rise development in the residential district. The majority report submitted by this Board called for the protection of the architectural character of the area and proposed zoning changes for the maintenance of existing building scale and development patterns. Implementation of these recommendations by the BRA, Mayor, and Zoning Commission is now underway.

The Authority has incorporated preservation planning activity in its comprehensive and renewal planning functions. The Authority's preservation planning efforts have enabled the City to participate in several federally-assisted preservation programs

and have contributed to the development of architectural conservation projects. The preservation planning staff has been responsible for architectural surveys in renewal project and special study areas and for the preparation of architectural and conservation reports.

Because its work program has been substantially determined by the BRA's redevelopment activity, the preservation staff has not been able to provide assistance to those areas of the city not affected by renewal or special planning programs. The limited functional scope of BRA preservation planning has not permitted involvement in comprehensive survey or planning efforts or support to other city departments involved in preservation-related projects, and therefore has never resulted in a city-wide program for the conservation of Boston's architectural and historic resources.

Architectural Commissions

The architectural character of a considerable portion of residential downtown Boston is presently protected through design review regulations established by legislative acts. The protected area includes almost all of Beacon Hill and a sizeable portion of Back Bay including Beacon Street, Marlborough Street, and Commonwealth Avenue between Arlington Street and Charlesgate East. The Beacon Hill and Back Bay Architectural Commissions are responsible for the review and approval of all proposals for exterior alteration, new construction, and demolition within the boundaries of their districts and are the products of efforts by private local groups concerned about the conservation of the architectural quality of their communities.

The operations, staffing and appropriations for both architectural commissions are the responsibility of local city government. The Beacon Hill Architectural Commission has been administratively placed within the Building Department of the City of Boston. The Commission is not functionally

responsible to the department but does depend upon it for secretarial and clerical assistance. Since its inception in 1955, the Beacon Hill Historic District has been substantially expanded and a new proposal for enlargement will soon be reviewed by the General Court.

The Back Bay Architectural Commission was established in 1966 as a board within the Boston Redevelopment Authority. It maintains a relationship to the Authority similar in function to that of the Beacon Hill Architectural Commission and the Building Department, and draws on BRA staff for administrative, preservation planning, and urban design assistance. The Commission has published Back Bay Residential District: Design Guidelines for Exterior Rehabilitation and Restoration (1968), a major policy statement which includes a description of the standards and goals for rehabilitation, recommendations for the maintenance of existing building and street forms, and an indication of the basic design framework for new construction or exterior alteration. Proposals are now being developed by the Authority, at the recommendation of the Back Bay Task Force, to expand the present district to include all of Arlington Street, Newbury Street, and Copley Square and parts of Boylston Street.

The continuing operation of the Beacon Hill and Back Bay Architectural Commissions provides, to date, the most effective tool for architectural conservation in Boston. Strong police powers regulate all construction affecting street and building facades in these areas, and both commissions have successfully promoted design standards that encourage the maintenance of the existing architectural character of their respective districts. The authority of these commissions is, however, completely circumscribed by district boundary lines. The commissions therefore have little influence beyond their geographical limits and are generally unable to affect transportation, zoning, and development activity that may alter the architectural quality of the areas that they were established to protect. Both boards are also inadequately staffed and have difficulty enforcing their regulatory authority.

Parks and Recreation Department

The Parks and Recreation Department is responsible for the maintenance of all city-owned parks, squares, cemeteries, and buildings, monuments, and memorials on public grounds. In Boston, these places and structures are often distinguished elements of the cityscape and are of great architectural and environmental value. Many of Boston's parks, burial grounds, and public monuments are eligible for inclusion in the National Register of Historic Places.

The jurisdiction of Parks and Recreation over these features as well as its authority to care for and conserve all of the trees, plants and shrubs belonging to the City directly involve the department in preservation activities. The maintenance of, for example, the Common, Public Garden, South End Squares, Commonwealth Avenue Mall, the Fens and its Richardson bridges, and the Olmsted Parks System, Highland and Savin Hill Parks, and the Phipps Street, Eustis Street, Dorchester North, Market Street, and other 17th Century burial grounds is a major contribution to the conservation of Boston's environmental amenities.

The Parks and Recreation Department is also authorized to protect the environments of parks and parkways through a series of statutes and ordinances dating from 1896. (St. 1896, c. 313; St. 1897, c. 379; St. 1898, c. 542).

The Department is not only empowered to restrict advertising on certain public ways within 500 feet of a city-owned park, parkway or boulevard, but also has jurisdiction over proposals to alter or erect structures within 100 feet of such parks or parkway. Additional protection for the surroundings of the major linear parks and boulevards of the city is provided through ordinance restrictions on height, use and building set-backs.

Boston's involvement in the federally-assisted urban beautification program has enabled the City to initiate and execute rehabilitation and conservation projects for several of the older parks in the city, including the Common, Commonwealth Avenue Mall, Highland Park in Roxbury, Thomas Park and Independence Square in South Boston, and Franklin Park in Dorchester. Through the cooperation of the Department, several other important parks have been or are scheduled to be rehabilitated with urban renewal



project funds. Local revenues for park conservation are available from the Parkman Fund, a private endowment to the City that may only be used for the rehabilitation of parks and public grounds established before 1887. Recent policy has earmarked the Parkman Fund for park restoration projects.

Despite the involvement of the Parks and Recreation Department in preservation-related functions, several shortcomings restrict its effectiveness in this area, (and contribute to the conservation of the design.) A critical inventory of its holdings has never been undertaken and the department does not always show awareness of the historical significance and aesthetic value of properties that have been placed in its custody. Although many of Boston's parks, park structures, and memorials are of outstanding quality, the Department does not employ historians, architects, or landscape architects; as a result, rehabilitation and park improvement projects executed by the Department are not always appropriate to the design and character of the property. Parks and Recreation is rarely able to enforce its review authority over exterior alterations or new development along park frontages and thereby forfeits its significant power to enhance the environments of city parks and parkways. Furthermore, the Department has not developed policy for the conservation of city-owned open space and has in the past made these lands available for uses and development that have seriously diminished their environmental and design value.

Public Facilities Department

The Public Facilities Department was established by state legislation (St. 1966, c. 42). Its responsibility for the design and construction of all municipal buildings (excluding hospitals and park and playground facilities) and the rehabilitation and major alteration of municipal buildings (except schools and school grounds) has enabled the Department to become active in local preservation projects.

Public Facilities has commissioned and undertaken architectural-historic studies and structural evaluations of several notable municipally owned structures including the Dillaway-Thomas House,

Faneuil Hall, the Parkman House, and the Old State House. The Department has also been actively involved in the preparation of the Old City Hall and Faneuil Hall Markets projects and has developed reuse programs for the Boylston Street Police and Fire Stations, Engine 18 Fire Station in Dorchester, and the recently acquired former Boston Art Club for a high school in Back Bay. Because many fine municipal buildings of the last century still survive, the Department is currently seeking architectural and historical assistance for the compilation of a critical catalogue of those structures that merit preservation for continuing public service or for private use.

Art Commission

Other city agencies and departments that are involved in the maintenance and enhancement of the city's architectural and historic features are the Art Commission, the Department of Public Works, and the recently established Conservation Commission.

The Art Commission's responsibility for the care and custody of all works of art owned by the city including statuary, fountains, commemorative monuments and sculpture, paintings, and murals in public places or on public grounds involve that board in issues concerning the preservation of city and neighborhood landmarks. Through the authority of several legislative acts (St. 1890, c. 122; St. 1898, c. 410; Sp. St. 1919, c. 87), the Art Commission must approve the purchase or acceptance of any work of art by the City. Works of art may not be placed on public property without its consent. Relocation, removal or alteration of monuments and works of art may not be implemented without the order and approval of the Board. Also, at the request of the Mayor, the Art Commission may exercise design review functions for proposed municipal buildings, bridges, gateways, or structures to be erected on city-owned land or on any street, avenue, highway, park or public place.

The Art Commission's role in local government is no longer influential. The Commission's opportunities for civic improvement through the establishment of standards for public art have never been realized, and its involvement in municipally supported construction has atrophied. The Commission is not supported with an adequate budget, nor is it provided with salaried staff. It cannot therefore either fulfill its maintenance functions or develop any significant program to protect Boston's public monuments.

Public Works Department

The Public Works Department has jurisdiction over lamps and lights maintained by the City, the repair and paving of streets and sidewalks, and the planting and removal of trees in public ways. In many districts of the city, these activities could engage the Department in projects that would further the conservation and improvement of existing architectural character.

The Department, however, does not generally concern itself with questions of urban design or neighborhood conservation. Public Works has shown little awareness in its activities of the varying and distinguished physical character of Boston's residential and commercial districts and appears to have little interest in making a strong contribution to the design quality of the city.

Freedom Trail Commission

The Freedom Trail Commission was established by state legislation as a board within the Public Works Department (St. 1965, c. 625) and was charged with the designation of an historic route through downtown Boston. The Freedom Trail links and marks several monuments and sites associated with the city's colonial and early federal periods and has become a major attraction for out-of-town visitors to Boston.

Conservation Commission

It is expected that Boston's new Conservation Commission (Ords. 1970) will substantially strengthen the ability of the city to protect its open-space and natural resources. As authorized under the enabling legislation, (GL c. 40, sec. 8C) Boston's Conservation Commission may conduct surveys, researches, and studies of the open-space and natural resources of the city and undertake planning and public education programs. The Commission is also permitted to acquire a variety of interests in land and water areas and may regulate these for conservation purposes. (See Appendix I, p. 12.)

Summary

Although the City continues to demonstrate concern for its physical character, local public involvement in historic conservation remains limited in scope, function, and effect. The architectural quality of many of Boston's older town centers and suburban neighborhoods has never been recognized, and the City's preservation commitment is primarily restricted to Beacon Hill, Back Bay, and the monuments of colonial and federal Boston that are located downtown. Citizen groups in Charlestown, the South End, Roxbury, Dorchester, and Brighton have begun to organize for the preservation of structures and areas in their communities, but the City has not yet been able to formally support these local interests.

Because the preservation-related activity of city departments is not organized, no municipal program for preservation planning, development and regulation has been produced. City involvement in architectural and historic conservation has instead been scattered through a series of agencies that are primarily responsible for other functions or for activities that may conflict with preservation goals. Many departments do not have the resources effectively to utilize their designated powers for architectural preservation, but administrative methods to provide them with preservation planning assistance have not been devised. This lack of organization has unfortunately resulted in the dependence of municipal preservation activity upon circumstance or staff initiative rather than policy

or statutory mandate.

The absence of a comprehensive survey of the historical assets of the city also contributes to Boston's inability to adopt a long-range policy for architectural conservation. Boston's physically distinguished features have never been thoroughly surveyed, and even notable publically owned properties remain undocumented. The city therefore continues to be unaware of the extent of its architectural and environmental resources.

Preservation-related functions now performed by several city departments and agencies are generally ineffective because city-wide goals for architectural and historic preservation in Boston have never been defined. Without established city policy, it is extremely difficult to anticipate preservation problems or to organize interdepartmental co-operation for their resolution. Every situation of potential loss is treated as an isolated issue, and support for preservation within city government must be initiated from a procedural and policy vacuum. This process is wasteful of staff resources, is of very limited effectiveness, and has discouraged private investment in the maintenance of the city's distinctive older buildings and areas. Furthermore, the lack of a preservation program has restricted Boston's use of preservation techniques that have already been successfully implemented in other cities and towns. (See above, pp. 16-21). Boston's efficacy in architectural preservation has been largely limited to the exercise of police powers, while affirmative approaches to insure the maintenance and reinforcement of distinguished physical features have rarely been attempted.

Statement of Current Problems

In Boston, public programs and privately supported projects related to architectural and historical preservation have generally failed to meet the basic urban needs for neighborhood conservation and environmental improvement. For the most part, current public and private effort is still committed to the salvage of single buildings or areas rather than the protection and enhancement of Boston's physical environment. The National Register and the state certification program (see above, pp. 37-39, 43-46) are designed to provide recognition for particular areas and monuments, and are too narrowly conceived to affect the cityscape or the quality of urban life. Past accomplishments of city agencies and local private groups have resulted in protection of only a few of those amenities and physical features that distinguish Boston.

Because state or federal agencies or private interests cannot be expected to develop and implement a thorough, long-range architectural conservation program for any single city, the design and implementation of such a program must be assumed by local government. Even those federal programs that may be utilized to conserve and improve the urban environment (urban renewal, urban beautification, comprehensive planning assistance) are dependent upon a city's awareness of its physical assets and their architectural, historical and social value.

Boston's recognition of its cultural and historic resources has generally been limited to the two major downtown residential areas and the surviving structures of the colonial and early federal periods. Boston's heritage, however, is not only exemplified by Beacon Hill, Back Bay, and the monuments of the Freedom Trail. It is represented throughout the neighborhoods and commercial centers of the city and is apparent in modest row housing, 19th century suburban development, warehouse districts, industrial areas, and parks and open space systems. In order to fulfill its commitment in architectural and

neighborhood conservation to the people of Boston, the city must expand its definition of history to include all of the cultural interests that have determined its form and quality.

Few of the analyses of the physical resources of the city or inventories of notable areas have recognized all the varied aspects of Boston's continuing history. Existing studies have not even considered, for example, industrial architecture or the communities developed by immigrant groups during the late 19th and early 20th centuries. Surveys to locate, identify, and evaluate the buildings and areas that constitute the physical evidence of Boston's recent development have never been undertaken.

In addition, Boston's participation in architectural conservation continues to be lacking in several functional areas. Boston, unlike many other large cities, has not developed a system of regulatory, affirmative, planning, and advisory powers for architectural conservation and is not therefore organized to encourage projects that will enhance its architectural quality or avert activity that may be destructive to its physical character. Boston has also been unable adequately to assist private and community-based efforts. Few development incentives for preservation have been developed, and private investment in preservation projects has consequently been severely limited.

Preservation programs in many cities throughout the country have been developed as basic components of the city planning process. Architectural and historic conservation is used to encourage community improvement projects, promote high design standards in public construction, influence state projects affecting areas and landmarks of historical, cultural, architectural, or aesthetic value to the locality, and most significantly, to prevent the erosion of environmental and architectural quality.

Boston, however, has lagged behind other cities in recognizing the potential community benefits of a vital and imaginative municipal preservation program. Historic preservation in Boston is still anachronistically regarded as a method to inhibit new development, create museums, and historic trails, or perpetuate the life-style of a privileged minority.

PROPOSAL FOR A STATUTORY BOSTON LANDMARKS COMMISSION

Goals and Objectives

The proposal for a permanent Boston Landmarks Commission, described in the following section, is the first attempt by the City to encourage the physical improvement of Boston's residential and commercial districts through the development of a city-wide program in architectural and historic conservation. The proposed landmarks program provides for the coordination of existing municipal functions affecting the architectural quality of Boston. It also describes the additional regulatory, proprietary, and planning powers necessary to improve the city's ability to protect its architectural and historical character.

In carrying out its program, the Landmarks Commission would pursue several objectives. Through a definitive survey, the Commission would identify buildings, places, and districts that contribute to the architectural and historical character of the city. The significance of those elements would be made known to public authorities, to citizens in general, and to interested groups within and outside of the city. Regulatory protections for Boston's most distinguished structures, sites, and areas would then be recommended. If enacted, local regulations would protect these features and areas from demolition, disfigurement, neglect, and harmful environmental influences, thus insuring their maintenance for the benefit of the public.

The conservation and enhancement of the city's physical resources requires concerted public and private action. The Landmarks Commission, while designing and carrying out its own programs, must also increase the effectiveness of efforts initiated at other sources. To fulfill this objective, it must take full advantage of the opportunities offered by federal and state programs, coordinate and reinforce existing functions in city government, develop incentives for private investment, support community based activities, and encourage public participation in projects of architectural conservation and environmental improvement.

The protection and enhancement of the city's physical assets is a primary goal of a Landmarks Commission; equally important is the objective of helping people who live and work in the city to appreciate and enjoy its physical amenities. The Commission's educational programs should/must be designed to promote public awareness of Boston's history, appreciation of the diversity of architectural styles represented in the city, and pride in the distinctive character of different neighborhoods.

By working to conserve, enhance, and make known Boston's distinctive environmental qualities, a permanent Boston Landmarks Commission has the potential to contribute immeasurably to the maintenance and renewal of the city's vitality. The ultimate goal of the Commission is a city where the old and the new, the natural and the man-made, complement and enrich one another -- a city which is a source of pleasure and pride to all its citizens.

PROGRAM DESCRIPTION

Under its proposed work program, the Boston Landmarks Commission plans to reinforce preservation-related activity currently executed by other city departments and to develop those additional functions necessary for a serious local effort. In order to accomplish these ends, the Commission's program has been organized into several basic preservation planning components including survey and data collection, administration of protective designations, initiation of special projects, review and reporting on issues and projects affecting the architectural quality of the city, and public education in architectural and historic conservation. Technical assistance to other city departments and agencies responsible for the maintenance, rehabilitation, redevelopment, improvement, or regulation of architecturally or historically notable features and areas would also be provided under the landmarks program.

Definitive surveys of areas of the city that have been or may be identified by the Commission as being of special character and significance are scheduled to be undertaken on a continuing basis. Survey data will include a detailed physical description of properties of architectural or historical interest, analyses of their significance and value, and photographic documentation. The Commission's inventories would be systematically recorded and arranged by area to provide descriptive profiles of commercial districts and residential communities throughout Boston.

The surveys of the Landmarks Commission would be thoroughly documented and assembled as a data-base for its planning activities, designation program, and special projects, and for preservation-related functions executed by other city departments. This information and related archival materials would be made available for public consultation through the creation by the Commission of a municipal research center on Boston architecture and

development history. This research collection would substantially expand public knowledge of the city's architectural and topographical character and would permit Boston to increase its participation in several federally sponsored preservation programs.

The survey and research work of the Commission would further assist in the development of municipal preservation policy by enabling the City to establish priorities for the conservation of Boston's notable features and areas. Implementation of the Commission's findings would occur in one or more of the following ways. Should the Commission determine that local protection is appropriate, it would either designate properties for architectural regulation, initiate a special preservation plan, or recommend municipal action by the Mayor, the City Council or the city departments. In addition, it could seek federal recognition through the National Register. In most instances, however, the Commission would decide to propose regulatory designations for buildings, sites, and areas of aesthetic, historic, architectural or cultural value. Designations would be considered periodically following review by the Commission of its survey data, documentation, and planning information. Reports describing the Commission's recommendations would then be prepared and circulated to city departments, civic groups, and interested parties. These reports would be issued just prior to public hearings in each of the areas containing proposed landmarks or properties to be protected. After the public hearings, designation proposals would be sent to the Mayor for review. Approval by the Mayor would initiate the proposed local regulations.

Designations would provide for varying degrees of protection and regulation. The most comprehensive of these is the "Landmark" or "Landmark District," which is comparable in regulatory authority to that presently exercised by the Beacon Hill and Back Bay Architectural Commissions. (See above, pp. 52-53). Landmark and Landmark District designations would require approval by the Commission of all alterations of exterior architectural features, new construction, and proposed demolition. Landmark designation of an individual structure would also provide protections for distinguished interior features. High design standards for exterior alterations,

new construction, landscaping and the erection of signs would be developed for each Landmark or Landmark District. Landmark and Landmark District designations would be recommended by the Commission for objects, buildings, sites, and areas of outstanding quality and national interest.

A second designation, "Architectural Conservation District", on the other hand, has been created to insure the protection of the general character of an architecturally distinguished area and to encourage the maintenance of its existing form and scale. In an Architectural Conservation District, the Commission would be authorized to approve all substantial alterations to the physical fabric of the area, including extensive changes on building facades, the erection of signs and construction or demolition affecting height, set-back, building mass, lot coverage, and street and open-space patterns. Questions of architectural detailing, minor alterations, and landscaping would be handled on an advisory basis. The protection afforded by this designation is comparable to that attempted in several urban renewal plans presently in execution. (See above, pp. 49 - 50.)

Because few buildings and areas were developed or are experienced as isolated elements of the cityscape, a "Protection Area" designation has been formulated to provide an environmental buffer for Landmarks, Landmark Districts, and Architectural Conservation Districts. Within any Protection Area, the Commission would only consider and pass upon proposals for the alteration of existing structures, new construction, or demolition producing major changes in height or lot coverage. In such an area, the Commission would also seek to initiate proposals for zoning regulations and development incentives for the implementation of preservation projects. The protection of the environments of landmark buildings and areas through design regulation is similar in concept to the restrictions over construction fronting on parks and parkways that are administered by the Parks and Recreation Department of the city of Boston. (See above, pp. 54-55 and Appendix I, pp. 4-5.)

Municipally-owned structures and sites would be eligible for designation as Landmarks. Such a designation would permit the Commission to review and approve all plans for exterior and interior alteration and proposals for rehabilitation, reconstruction, restoration, and demolition. Municipal properties included in Landmark Districts, Architectural Conservation Districts, and Protection Areas would be subject to the same protections as privately-owned buildings and sites. Provision for the regulation of notable city buildings or sites would insure close cooperation between the Landmarks Commission and several city departments, would encourage the development of a consistent municipal preservation policy, and would produce design guidelines for the appropriate maintenance and rehabilitation of notable city-owned objects, buildings and places.

Opportunities for the protection of the city's architectural and historical resources through the stimulation of private investment and partial public ownership have also been incorporated in the Commission's preservation planning program. Studies of properties of architectural or historic value would be undertaken regularly to encourage responsible development interest. Preservation incentives could include, for example, the transfer of development rights (as initiated in New York City, see above, p. 20) property resale write-downs (a technique frequently used in renewal projects) partial reimbursement for certain restoration or rehabilitation costs (as proposed in Baltimore and St. Louis), special tax abatement programs, and the purchase or acquisition of scenic and other easements. The Landmarks Commission would also be permitted, if funds were to be made available for these purposes, to buy and sell properties or interests in properties for preservation purposes.

In order to strengthen existing municipal commitments to architectural conservation, the Commission proposes to coordinate all preservation-related activities now executed by the City through a series of administrative measures. Because it is essential that the functions of

the Beacon Hill and Back Bay Architectural Commissions be integrated within the comprehensive preservation program, it is recommended that they be organized as autonomous boards of the Landmarks Commission. The Beacon Hill and Back Bay Architectural Commissions would continue to administer the design review programs for their respective districts as authorized by St. 1955, c. 616, as amended and St. 1966, c. 625, but consultation with and approval by the Landmarks Commission would be required for proposals involving demolition, major new construction, substantial alterations of height and land coverage, and alteration of buildings designated as landmarks. Under this proposed administrative structure, the staff of the Landmarks Commission would serve as a central resource for the architectural commissions. The Landmarks Commission staff would report on petitions to be considered by each of the boards and could, whenever necessary, undertake special design, planning, and rehabilitation studies for buildings within the Beacon Hill Historic and Back Bay Residential Districts. The sharing of staff would result in the organization of similar policies, standards, and procedures for existing architectural review districts and any other districts and areas that might be designated by the Landmarks Commission.

The Commission also proposes that its staff provide preservation planning and technical assistance to those city departments responsible for programs or projects related to architectural and historic conservation. The Landmarks staff could, for example, work with the Parks and Recreation Department to assist in the enforcement of their authority over construction along park frontages and provide architectural and historical evaluations of city-owned properties for the Art Commission, Parks and Recreation Department, and the Public Facilities Department. Reports would also be made to the mayor, city council, and city departments whenever historical data or architectural information was needed for public improvement, development, or planning projects. The Commission would be further authorized to report on any federal or state-sponsored projects affecting either the architectural or historical character of designated properties or the general architectural quality of the city, and would serve as a planning resource to encourage greater local determination of these programs.

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The Landmarks Commission would also function as a planning advocate for private preservation groups and would attempt to intensify private preservation activity in Boston through the coordination of these interests with the municipal planning process. The Commission would encourage community participation in architectural and historic conservation by providing the technical information and documentation needed for the successful implementation of locally-based preservation proposals.

Another responsibility of the Commission concerns the development of a program to stimulate greater public awareness of the architectural quality of the city and the vitality of its continuing history. The major work to be completed under the Commission's proposed public education program includes a series of topographical histories of Boston's architecturally notable residential and commercial areas. These reports would be prepared to indicate the full range of Boston's physical assets and the various patterns of land development, building types, and architectural styles that characterize the fabric of the city. The area histories would be published regularly and widely circulated as planning and reference documents for use by municipal, state, and federal officials, civic groups and private citizens. These reports would also be distributed for community use through local branch libraries, historical societies, and schools. Most importantly, however, it is the intention of the Commission that these study reports strengthen governmental and private commitment to architectural conservation by broadening the cultural consciousness of the Boston community and by demonstrating the significance and value of the urban forms and life patterns that distinguish Boston from all other American cities.

Second Year Program Description

The second year work program of the advisory Boston Landmarks Commission, recently funded by the Department of Housing and Urban Development, offers the City an opportunity to implement several of the proposals outlined in this report. This extension of Boston's federally assisted preservation planning program will enable the Commission to broaden its general preservation planning functions and to initiate specific architectural conservation projects. The second year work program will be executed by the full-time project director, planning and research staff, and technical consultants that are to be retained under the terms of the federal grant. Local participation in this project includes the provision of research, administrative, and design assistance by the City.

During the second year program, the Commission will continue its work on the general architectural and historical survey of Boston that is now in progress. This activity will supplement the surveys of the North End, Waterfront, Central Business District, South Cove, South Boston, Charlestown, Allston-Brighton, Jamaica Plain, the Park System, and Dorchester that have already been undertaken. The completed survey will be the first architectural and historical study to consider all of those physical elements that contribute to the visual quality of Boston.

After the recording and analysis of the survey information, the Commission will begin to document and study areas considered to be of value to the city, state or nation. Profiles of the architectural and topographical development of several areas will be prepared in conjunction with a series of district and site preservation plans. The Commission will make proposals for local protective designations as well as recommendations for the implementation of special projects or preservation techniques.

Features and areas to be proposed for designation will represent the many different communities and cultures of the city and will reflect a full range of Boston's topographical, architectural, and historical resources. Every proposal for protective designation will include a full description of the notable qualities to be protected, and design criteria for maintenance and, where appropriate, rehabilitation and restoration of the designated property. Although the Commission will be primarily involved with the initiation and implementation of a local designation schedule, it will continue to make recommendations for a wider recognition of Boston's most notable structures, sites, and areas through the National Register or the Massachusetts Historical Commission's certification program.

The Commission will also establish an information system within city government to insure the coordination of public and private projects affecting the physical character and quality of Boston. This aspect of Boston's preservation planning program will provide for the distribution of architectural and topographical information to those City departments involved in comprehensive and renewal planning, conservation, and the maintenance of notable city-owned properties. In this context, the Commission will begin to prepare comprehensive architectural inventories and historical evaluations of municipal buildings and sites and will advise the City on proposals involving their alteration, rehabilitation, reconstruction, or demolition. Under its second year program, the Commission will also establish administrative procedures for the review and reporting to the City on zoning variances or amendments, planned development areas, renewal or model city projects, and other proposed development activity or public improvements relevant to architectural and historical conservation in Boston.

APPENDIX I

LEGAL PRECEDENTS FOR THE PROMOTION, PROTECTION, AND MAINTENANCE OF THE HISTORICAL AND ARCHITECTURAL RESOURCES OF THE COMMONWEALTH THROUGH PUBLIC ACTION.

A. Police Powers

Existing police power regulations over historical and architecturally notable features were developed from turn-of-the-century legislation involving issues that were then defined as "aesthetic considerations." Although the cities and towns of Massachusetts had been authorized to "regulate the inspection, materials, construction, alteration, and use of buildings and other structures..." as early as 1872, this power was only to be exercised "for the prevention of fire and the preservation of life." (Public Statutes, c. 104) Police power regulations supporting aesthetic ends were not generally accepted by the courts until the end of the century. At that time, recognition of aesthetic purposes as a constitutional exercise of the state's police power and as a vital component of the cultural life and general welfare of a community began to emerge with the new zoning laws and regulations over outdoor advertising.

The pre-zoning height restriction laws that were designed to protect the form, scale or environment of distinguished design features in Boston were among the Commonwealth's first police power statutes to be concerned with the accomplishment of aesthetic purposes. Under St. 1896, c. 313 and St. 1897, c. 379 for example, the Board of Park Commissioners in Boston was enabled to protect the architectural character of the areas surrounding parks by establishing set-backs and limiting the heights of buildings along parkways, boulevards, or public ways on which a park bordered to 70 feet. A few years later, 70 foot height limitations were placed on Beacon Hill buildings in the immediate vicinity of the State House (St. 1899, c. 457).

The Beacon Hill height restrictions were upheld in Parker vs. Commonwealth, 178 Mass 199 (1901) as a proper exercise of the police power. The court found that at least one object of the imposition of height restrictions on properties adjacent to the State House was "to save the dignity and beauty of the city at its culmination point for the pride of every Bostonian and for the pleasure of every member of the state, and maintained that "such a law is no less valid when passed to satisfy the love of beauty than when passed to appease the fear of fire."

Height limitations of 80-100 feet for buildings in the residential sections of Boston and heights of 125 feet for commercial areas were prescribed by St. 1904, c. 333 and St. 1905, c. 383. The constitutionality of these zoning laws was challenged in Welch vs. Swasey, 193 Mass 364 (1906 - 7), an influential case that affected judicial decisions concerning the use of police powers for architectural regulation throughout the country.

The State Judicial Court and the United States Supreme Court, 214 US 91 (1909), upheld the 1904 and 1905 zoning statutes and found that the legislature may establish different heights for different neighborhoods and that considerations of taste and beauty may be included within the scope of these regulations. The court, however, in order to answer the plaintiff's argument that the statutes were unconstitutional because they were designed to preserve architectural symmetry and a regular skyline, maintained that the regulations were primarily determined by "practical" and not aesthetic purposes. The courts found that aesthetic concerns were valid within the context of police power regulations but that this power could not be exercised solely for the promotion of aesthetic ends.

Contemporary regulations over outdoor advertising also attempted to use the police power for aesthetic purposes. These efforts, however, met with less success

than those involving height limitations. Although the court upheld the authority of the Metropolitan Parks Commission under St. 1903, c. 158 "to regulate advertising along highways and reservations respecting the display of signs, posters, or advertisements in or near to and visible from public parks and parkways entrusted to their care..." it found that the rules adopted by the department were invalid because they "so interfered with the use of property as to amount to a taking of property without compensation." (Commonwealth vs. Boston Advertising Company, 188 Mass 348, 1905) In its explanation, the court stated that "police powers cannot justify a taking for the promotion of merely aesthetic purposes" and limited the authority within the statute to the prohibition of advertising of immoral tendencies or signs dangerous to the physical safety of the public. The decision rendered in the Boston Advertising case was one of the factors which prompted passage, at the Constitutional Convention of 1918, of an amendment permitting police power regulation of advertising on public ways and in public places and on private property within public view. (Massachusetts Constitutional Amendment, article 50)

During the twenties and thirties, aesthetic considerations became generally recognized by the courts as a valid concern of the police powers. The first major zoning act in Massachusetts, St. 1920, c. 601, promoted urban aesthetics by specifying that the provisions of the act "shall be carried out in such manner as will best promote the health, safety, convenience and welfare of the inhabitants, will lessen the danger from fire, will tend to improve and beautify the city or town, will harmonize with its natural development..." The judicial opinion supporting this statute, Opinion of the Justices, 234 Mass 597, maintained that the aesthetic considerations of the act were appropriate within the framework of zoning regulations. The court, however, reaffirmed the limitations defined in Welch vs. Swasey by stating that zoning laws may promote municipal adornment or beauty but these goals did not by themselves justify police power controls. (The present zoning enabling act, GL c. 40A (added in 1954), permits

aesthetic considerations by authorizing a city or town "to encourage the most appropriate use of land...; and to preserve and increase its amenities.")

In 1922, the Commission on Height of Buildings in Boston was brought to court by property owners in the vicinity of Copley Square. (Frederick Ayer and others vs. Commission of Height of Buildings in Boston, 242 Mass 30). The Commission had recently changed the zoning for two Clarendon Street lots on the easterly side between Boylston Street and St. James Avenue and two lots adjacent to the Boston Public Library thereby permitting increased heights from the existing 80-100 feet up to 125 feet. Protests were filed with the Commission by the Library and Trinity Church. Trinity's appeal referred chiefly to "the architectural beauty and dignity of the church and the harm likely to be done in this respect by permitting an increase in the height of buildings" on the Clarendon Street lots. The Commission subsequently reversed its decision and re-established the original lower height zones for all of the lots in question.

The affected property owners charged that the Commission acted on aesthetic grounds exclusively. In affirming policy based upon the old height limits established by St. 1898, c. 452 and upheld in Attorney General vs. Williams, 174 Mass 476 (see below p.10), the court explained that the aesthetic considerations of the case were appropriate within the sphere of the police power. Despite its repetition of the traditional judicial position that aesthetic considerations must be ancillary to other purposes and could not justly form the basis for the exercise of the police power, the court's decision was clearly determined by concern for the protection both of the use of the square as a public park and its "adjacent buildings of great public importance and nobility of design."

During the year following the Ayer case, a comprehensive park frontage ordinance, Ords. 1923, c. 8, which provided for a series of building set-backs along the

Riverway, Jamaicaway, Arborway, Olmsted Park, Commonwealth Avenue, the Fens, Dorchesterway, and the Strandway was passed by the City of Boston. The ordinance specified 70 foot height restrictions for all buildings or structures within a distance of 100 feet from the Fens, Riverway, Commonwealth Avenue, Jamaicaway, Olmsted Park, Arborway, and Columbia Road and excluded stables, garages, or places of mechanical or mercantile purposes along these parks and boulevards. The ordinance also required permission in writing from the Parks and Recreation Commission before any building within 100 feet from a park or parkway in the city could be altered or erected. Recent park frontage legislation passed by the general court, St. 1970, c. 402, prohibits the transfer of Commonwealth-owned lands within the Stony Brook Reservation, the erection of buildings within 35 feet from the park, and places height limits of 40 feet on any structure to be erected within 500 feet from the specified building line. The combined design, height, and land-use controls over park frontages in Boston represent a major effort by the City and State to protect the architectural quality of the environments of Boston's distinctive open-space features through uncompensated regulation.

Police power regulations for aesthetic purposes were also achieved through the implementation of restrictions over outdoor advertising. It was, in fact, a case concerning outdoor advertising that resulted in the approval by the Massachusetts courts of the right of a municipality to enact regulations based primarily on aesthetic considerations.

In General Outdoor Advertising and Others vs. the Department of Public Works, 289 Mass 149 (1925-35), the courts affirmed the validity of article 50 of the Massachusetts Constitution and the rules and regulations over outdoor advertising developed by the Department of Public Works under GL (Ter. Ed.) c. 93, sec 29-33. The departments rules and regulations permitted it to review and pass upon permits for the location and erection near certain public ways of billboards, signs, or other advertising devices which in its opinion would be harmful to the general welfare in regard to the health and safety of the public, the danger of fire, and the

defacement of unusual scenic beauty. As specified in these regulations, permits would not be issued for outdoor advertising in any location within 300 feet of any public park or reservation or within view of any portion of the same.

Although the court maintained that the DPW rules and regulations were valid because they were not solely dependent upon aesthetic considerations, it is significant that it further held that "Even if the rules and regulations over billboards and other advertising devices did not rest upon the safety of public travel and the protection of travellers ..., we think that the preservation of scenic beauty and places of historical interest would be a sufficient support for them." One of the decisions rendered in this complex case concerned the revoking of a permit for an electric sign overlooking Boston Common. The court stated that it recognized that the sign was not a fire hazard or health menace, nor was it even located 300 feet from a park. However, because of the civic importance of the Common, the beauty of the Public Garden, and the distinguished architecture of the State House, the court held that the refusal to renew on the grounds of fitness and taste was within the scope of the authority conferred upon the Department.

The outdoor advertising case also dealt with the question of criteria which had long been a major obstacle for the passage of legislation relating to aesthetics. The words "unusual scenic beauty" as stated in the DPW's rules and regulations were found to be sufficiently definite to furnish a standard for objective decisions concerning the issuance of sign permits and were said to provide a general principle that would prevent decisions based upon personal taste.

A year after the "Massachusetts billboard decision," the court upheld a zoning by-law of the town of Lexington which prohibited professional signs for advertising purposes in its r-1 residential district. (Lexington vs. Govenar, 295 Mass 31, 1936). The court linked aesthetic goals with the general welfare --" The beauty of a residential neighborhood is for the comfort and happiness of its residents," and stated that the aesthetic considerations of the situation seemed to be sufficient grounds for the exclusion of such signs. In 1945, a zoning by-law for the town of Burlington forbidding the stripping and carrying away of top soil near a residential area was upheld by the court which recognized the aesthetic issue as an important factor regarding the maintenance of the welfare of a community (Burlington vs. Dunn, 318 Mass 216).

Despite the increasing acceptance of aesthetic concerns within the context of the general welfare, a cautious attitude was occasionally apparent. As late as 1949, the courts were still uneasy about regulations that promoted aesthetic ends. In Barney and Carey Co. vs. Town of Milton, 324 Mass 440, the court maintained that "Undue weight must not be given to aesthetic considerations which can only play an incidental or ancillary role to some real, substantial, and sufficient basis for the imposition of zoning restrictions. Regard for the preservation of the natural beauty of a neighborhood makes the enactment of a zoning regulation desirable but does not itself give vitality to the regulation."

Judicial conservatism regarding "aesthetic considerations" was reversed in 1954 by the decision of the United States Supreme Court in Berman vs. Parker, 348 U.S. 26, 99 L. Ed. 27, 75, Sup. Ct. 98. Although this case was concerned with eminent domain procedures, the Court's broadening of the definition of the public welfare to include aesthetic and spiritual as well as physical and monetary values, was of major influence throughout the country for the passage of police power regulations for aesthetic purposes.

During the year following Berman vs. Parker, considerable extension of aesthetic regulation through the exercise of the police power was effected in the Commonwealth with the

passage of the state's first historic district statutes. The Nantucket and Beacon Hill Historic Districts Acts, St. 1955, c. 601 and St. 1955, c. 616, specifically related the preservation and maintenance of historic and architecturally notable areas to public welfare objectives and thereby placed the regulations within the scope of the police power. As is stated in the Beacon Hill law -- "The purpose of this act is to promote the educational, cultural, economic and general welfare of the public through the preservation of the historic Beacon Hill District, and to maintain said district as a landmark in the history of architecture and as a tangible reminder of old Boston as it existed in the early days of the Commonwealth." The aesthetic intention of these statutes is clearly indicated in the descriptions of the authority of the Beacon Hill and Nantucket Historic District Commissions to review and approve the design, color, texture, and materials for all construction, alteration, or demolition involving exterior architectural features. Furthermore, in passing upon design proposals, the commissions are instructed to consider the historical and architectural value and significance, architectural style, and arrangement of the exterior features involved and the relationships thereof to the exterior architectural features of other structures in the immediate neighborhood.

In its review of the Nantucket and Beacon Hill Historic District Acts, the Supreme Judicial Court advised that preservation of the appearance, architecture, and historical associations of the districts would contribute to the public welfare, and therefore, the police power authorized in these statutes was constitutional (Opinion of the Justices, 333 Mass 773; Opinion of the Justices, 333 Mass 783). The court explained that earlier judicial decisions in the Commonwealth holding that aesthetic considerations might only be taken into account but could not justify the use of police power rested upon precedents that originated before extensive restrictions upon private property now familiar in zoning rules had met with general

acceptance. The court referred to Berman vs. Parker and maintained that "There is reason to think that more weight might now be given to aesthetic considerations than was given to them a half century ago." It was also advised that the design requirements of the acts were not indefinite or lacking in sufficient standards and that the existing architectural and historical character of the districts provided an adequate framework for objective decisions by historic district commissions.

Since the enactment of the Nantucket and Beacon Hill legislation, nine cities and towns in Massachusetts have established or authorized the establishment of historic districts or their equivalents through the passage of special statutes (Lexington: St. 1956, c. 447; St. 1958, c. 185; Concord: St. 1960, c. 345; Sudbury: St. 1963, c. 40; Bedford: St. 1964, c. 118; Marblehead: St. 1965, c. 101; Yarmouth: St. 1965, c. 694; Petersham: St. 1966, c. 211; Boston-Back Bay: St. 1966, c. 625; Hingham: St. 1966, c. 502). In 1960, an enabling act was passed by the legislature, GL Chapter 40C, sec. 1-13, permitting cities and towns to establish historic districts through local ordinance. Although most of the districts in the Commonwealth have been created by legislation, Cambridge, Groton, Wayland, Sandwich, Harwich, Sharon, and Carlisle have used the procedures described under Chapter 40C. Special by-laws and ordinances have authorized the creation of historic districts in Salem and Falmouth.

Boston, Cambridge, Concord, Lexington, and Nantucket have established more than one historic district, and a few of the existing districts have been considerably enlarged since their establishment. Sizeable additions to the original Beacon Hill historic district were approved by the legislature in 1958 and 1963, and it is expected that the Back Bay district will soon be expanded to include adjacent retail areas. Recent legislation, St. 1970, c. 395, has repealed Nantucket's two districts, and created in their place a new historic area that includes all of the island.

B. Proprietary Powers

By the end of the nineteenth century, public ownership of property and public acquisition of scenic and other easements were used to promote the conservation of natural beauty and urban design quality. Under St. 1898, c. 463, for example, the Metropolitan Parks Commission was authorized to regulate certain spaces along or near rivers and ponds and to care for and maintain the areas so regulated. The legislation protected the edges of ponds and rivers from commercial encroachment and other private uses that would diminish the landscape beauty of these sites and their environs. In the same year, the legislature passed an act to maintain the existing architectural scale of Copley Square by limiting the height of buildings surrounding it to 90 and 100 feet and by providing compensation to property owners aggrieved by the provisions of the statute (St. 1898, c. 452).

The Copley Square Act produced a major test of the validity of public acquisition of easements for aesthetic purposes (Attorney General vs. Williams, 174 Mass 476 (1899); Attorney General vs. Williams, 178 Mass 330 (1901); Williams vs. Parker, 188 U.S. 491). The Massachusetts court found that the compensated taking of rights in property through the imposition of height limitations was constitutional and explained that the statute added to a public park "rights in light and air and views over adjacent land" and that these rights were in the nature of an easement created by statute and annexed to the park. The court also held that the act conformed to the constitutional provisions for eminent domain takings and that the benefits to the public in the taking of land for a public park also justified expenditures of money to promote its beauty and attractiveness. It is significant that the court was also of the opinion that "In view of the kind of buildings erected on the streets around Copley Square and the uses to which some of these buildings are put, it would be hard to say that this statute might not have been passed in the exercise of the police power."

Authority to expend public funds for the acquisition of historical properties or easements to promote preservation was codified in 1918 in Article 51 of the Massachusetts Constitution. This amendment states that "The preservation and maintenance of ancient landmarks and other property of historic or antiquarian interest is a public use, and the commonwealth and the cities and towns therein may, upon payment of just compensation take such property or an interest therein under such regulations as the general court may prescribe." Under the authority of this article, the Supreme Judicial Court, Opinion of the Justices, 297 Mass 567 (1940) held that it was constitutional for the City of Salem to take Derby Wharf by eminent domain for use as a memorial to its sailors and for the benefit of the public and as a national historic monument. The court also held that money raised by taxation could be used to pay for the acquisition costs.

Properties of architectural or historical importance are also protected against eminent domain takings for purposes other than those of conservation or preservation. Under, GL c. 79, sec. 5A (added 1948; 1963) properties certified by the Massachusetts Historical Commission or owned and maintained by an historical organization as an ancient landmark or as a property of historical or antiquarian interest may not be taken without the approval of the General Court.

During the last decade, several public agencies have been given explicit authority by the legislature to accept, purchase, or acquire property or rights in property in order to achieve preservation purposes. The Department of Natural Resources has flexible powers to acquire lands or interests in land and "may acquire, maintain, and care for historic buildings, monuments, or sites" within the area designated as the Massachusetts

Bay Circuit (St. 1956, c. 631). Under St. 1963, c. 697, local historical commissions are enabled to "acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value. This statute also permits the Secretary of State, acting on the advice of the Massachusetts Historical Commission to accept on behalf of the Commonwealth, gifts of real and personal property. The Massachusetts Historical Commission has recently been authorized, St. 1968, c. 390 to accept the right, title, and interest in the Shirley-Eustis House and to contract with the Department of Housing and Urban Development for a grant to restore and improve the building. A state contribution of \$100,000 towards the restoration has already been appropriated.

Conservation Commissions in the Commonwealth are authorized by general enabling legislation, GL c.40, sec. 8C, to undertake a full range of proprietary and acquisition powers. These commissions may "acquire by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights, or any lesser interest, development right including conveyance on conditions or with limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open space and other land and water areas within their city or town and shall manage and control the same." On the recommendation of its Conservation Commission, a city or town may take by eminent domain any land or waters for conservation purposes.

The Commonwealth and the cities and towns are permitted under St. 1966, c. 704 and GL c. 121B, sec. 45 to use urban renewal funds to acquire or take by eminent domain property or interests in properties for preservation purposes. Since 1967, GL c. 81, sec. 13B, the Department of Public Works may acquire by

eminent domain, purchase or otherwise, land and rights in land within or adjacent to federally-aided highways of the Commonwealth for the restoration, preservation, and enhancement of scenic beauty. With the approval of the Massachusetts Historical Commission, and subject to the availability of federal funds, the department may also acquire historic sites.

Recent local interest in the potential of easements to achieve preservation goals has resulted in a federal and privately sponsored program in the town of Ipswich involving the protection of architectural features of seventeenth and eighteenth century houses through the purchase of special easements. Last year, a highly technical statute was passed by the legislature, St. 1969, c. 666, to encourage greater use of conservation and preservation easements through the delineation of more effective methods for their recording and through the removal of several legal and procedural complexities that formerly made these restrictions difficult to enforce.

C. Preservation Planning Powers

Local preservation planning activity in the Commonwealth has evolved from the authorization of the cities and towns to appropriate funds to mark historic sites within their limits, GL c. 40, sec. 5 para. 13 (1896), to the enabling of municipalities to "mark, acquire, maintain, preserve, promote, and develop places of historic value, and to establish and maintain an historical commission" (GL c. 40 sec. 5, para. 56-- added 1963).

Preservation planning in the Commonwealth was considerably extended by St. 1963, c. 697, an Act Establishing the Massachusetts Historical Commission and Authorizing Cities and Towns to Establish Historical Commissions. The approximately sixty historical commissions in the state are permitted to undertake several kinds of planning activity including survey and inventory work and may advise their city or town and the Massachusetts Historical Commission on places and buildings meriting protection.

Statewide preservation planning and the preparation of a comprehensive preservation plan for the Commonwealth, is primarily the responsibility of the Massachusetts Historical Commission. This commission initiates surveys and inventories of historically or architecturally significant properties throughout Massachusetts and implements the state landmark certification program. (See above, pp. 43-44). The Chairman of the Massachusetts Historical Commission serves as the State Liaison Officer and as such coordinates preservation planning activity in the Commonwealth with the programs of the National Park Service's Office of Archaeology and Historic Preservation.

Preservation planning activities may also be undertaken by local urban renewal and housing authorities. As is described in section 46 of the recent recodification of the state's housing and urban renewal laws, GL c. 121B (added in 1969), renewal agencies may prepare plans for the conservation and rehabilitation of areas determined to be blighted or substandard. Under section 1 of this chapter, local housing and renewal agencies are further permitted to undertake projects that have as their purpose "the restoration and renewal of any such area or portion thereof including the preservation, restoration, or relocation of historical buildings. . . ."

APPENDIX II

TEXT OF PROPOSED LEGISLATION

ELY, BARTLETT, BROWN & PROCTOR

225 FRANKLIN STREET

BOSTON, MASSACHUSETTS 02110

AREA CODE 617 482-2310

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OF COUNSEL
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December 29, 1970

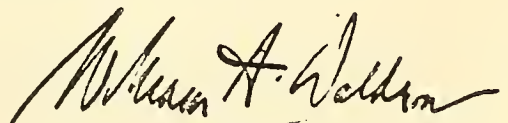
Note to Reviewers of Attached Draft of Proposed Legislation:

1. The attached pages constitute a first draft of a statutory design for a Boston Landmarks Commission. In the end, we presume, any legislation must take the form of a special act of the General Court -- rather than an ordinance of the City of Boston -- but at this stage the draft is intended solely as a basis for discussion and critical comment.

2. The following omissions are deliberate -- our view being that each can best be dealt with after review of and comment on the draft:

- a. No treatment of the relationships between the proposed legislation and existing legislation -- the latter including both (i) substantive requirements of existing statutes and ordinances and (ii) present assignments of function to existing agencies of government;
- b. No differentiation between private and public property, nor between different kinds of public property; and
- c. No assignment of specific advisory functions to the Commission.

3. No doubt your review will reveal additional omissions. In any event, your critical scrutiny of the draft will be much appreciated, and your suggestions for improving it most welcome.



William A. Waldron

AN ACT CREATING THE LANDMARKS COMMISSION OF THE CITY OF BOSTON AND SPECIFYING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. Purposes. -- The purposes of this act are: (a) to protect the beauty of the city and improve the quality of its environment through identification, recognition, conservation, maintenance, and enhancement of (i) areas, sites, structures, and fixtures which constitute or reflect distinctive features of the political, economic, social, cultural, or architectural history of the city and (ii) its distinctive physical features; (b) to foster appropriate use and wider public knowledge and appreciation of such features, areas, sites, structures, and fixtures; (c) to resist and restrain environmental influences adverse to such purposes; (d) to encourage private efforts in support of such purposes; and (e) by furthering such purposes, to promote the public welfare, to strengthen the cultural and educational life of the city and the commonwealth, and to make the city a more attractive and desirable place in which to live and work.

SECTION 2. Definitions. -- As used in this act, the following words shall have the following meanings:-

"Architectural Conservation District", any area designated by the commission in accordance with section four as an area containing any physical features or improvements or both which (a) are of historical, social, cultural, architectural, or aesthetic significance to the city and (b) cause such area to constitute a distinctive section of the city.

"Building Commissioner", the building commissioner of the city.

"City", the city of Boston.

"Commission", the commission provided for by section three.

"Council", the council of the city.

"Demolition", the razing of any exterior architectural feature or structure, including its ruin by neglect of necessary maintenance and repairs, or either.

"Exterior architectural feature", the site topography and general architectural arrangement, or either, of such portion of the exterior of any structure as is designed to be open to view from any public street or way, including but not limited to (a) the kind, color, and texture of the building material of such portion so open to view, (b) the type and design of all windows, doors, lights, signs, and other fixtures appurtenant to such portion, (c) the location, adequacy, and treatment of any vehicular access to such structure, and (d) the location and treatment of any motor vehicle parking space appurtenant to such structure and so open to view.

"Improvement", any place, structure, building, fixture, or object which in whole or part constitutes a visually significant exterior or interior physical betterment, adornment, or enhancement of any real property.

"Landmark", any physical feature or improvement designated by the commission in accordance with section four as a physical feature or improvement which in whole or part (a) has historical, social, cultural, architectural, or aesthetic significance to (i) the city and (ii) the commonwealth, the New England region, or the nation and (b) has been in existence for no fewer than twenty (20) years.

"Landmark District", any area designated by the commission in accordance with section four as an area containing any physical features or improvements or both which (a) are of historical, social,

cultural, architectural, or aesthetic significance to (i) the city and (ii) the commonwealth, the New England region, or the nation and (b) cause such area to constitute a distinctive section of the city.

"Mayor", the mayor of the city.

"Protection Area", any area designated by the commission in accordance with section four as an area which is contiguous to and constitutes an essential part of the physical environment of any architectural conservation district, landmark, or landmark district.

"Site topography", all or any of the topography, planting, paving, steps, fencing, and masonry walls of the site of any structure.

"Structure", a structure as defined in the Boston building code and the site topography of any structure.

SECTION 3. Boston Landmarks Commission. --

a. The Boston landmarks commission, which shall be deemed a department of the city for the purposes of section fifty-three A of chapter forty-four of the General Laws, is hereby established in the _____. The commission shall consist of nine (9) members of whom at least one (1) shall be an architect registered in the commonwealth, at least one (1) shall be a landscape architect registered in the commonwealth, at least one (1) shall be a lawyer admitted to practice before the supreme judicial court, at least one (1) shall be experienced as an architectural historian, at

least one (1) shall be experienced as a city planner, and the remainder, if any, shall be persons who, by reason of (i) other experience or education and (ii) interest, shall be qualified for service on such commission.

b. Every such member shall be appointed by the mayor, with the consent of the council, for a term of six (6) years; except, however, that of the initial appointments two (2) shall be for a term expiring June 30, 1972, two (2) for a term expiring June 30, 1973, two (2) for a term expiring June 30, 1974, two (2) for a term expiring June 30, 1975, two (2) for a term expiring June 30, 1976, and one (1) for a term expiring June 30, 1977. Every such appointment shall be made from a list of no fewer than three (3) nominees submitted to the mayor by the commission after the commission shall have canvassed appropriate professional societies and other organizations for proposals for nomination; provided, however: (i) that no member of the commission shall be appointed to succeed himself after service of two (2) years or longer; (ii) that if at any time and from time to time before making any such appointment the mayor shall so request, the commission shall add to the number of nominees on its list submitted to him; and (iii) that if such list of nominees for any appointment shall not have been submitted to the mayor by the thirtieth day next preceding the date on which the appointment is to be effective, the mayor may make such appointment without regard to any such list. Any vacancy in the office of any member of the commission shall be filled in like manner for the unexpired term of such office. Such nominees for all initial appointments to the commission shall be submitted to the mayor by the special advisory board on historic preservation named in nineteen hundred and sixty-nine by the mayor and the director of the Boston redevelopment authority, as such board shall be constituted on the effective date.

c. Every member of the commission shall continue in office after expiration of his term until his successor shall have been duly appointed and qualified. The mayor may remove any member in accordance with section fourteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine. No member shall receive compensation for his service on the commission, but he shall be reimbursed for his actual expenses necessarily incurred in performance of his official duties.

d. For the purposes of chapter two hundred and sixty-eight A of the General Laws; every member of the commission, and every person who shall, on a part-time and consultative basis, perform any professional services for the commission (such as the services of architect, attorney, engineer, planner, or expert in construction, finance, real estate, or traffic), shall be deemed to be a special municipal employee.

e. Subject to appropriation but without regard to chapter thirty-one of the General Laws, the commission shall appoint and may remove such employees as the business of the commission shall require, and may contract for such professional and expert technical assistance as such business shall require. Neither the said chapter thirty-one and any rule thereunder nor section nine A of chapter thirty shall apply to any such employee; except, however, that the said provisions of law shall continue to apply to every employee, if any, who, while subject to the said provisions, shall be transferred to the service of the commission.

f. The commission (i) shall adopt, and from time to time may amend, by-laws concerning its internal management and (ii) after public hearing, may adopt and from time to time amend regulations for the purpose of interpreting this act and implementing its administration and enforcement, which regulations shall be in addition to those required by section four. A copy of every such by-law and amendment thereof, and every regulation and amendment thereof adopted pursuant to this section,

shall be filed in the office of the city clerk of the city; and no such regulation or amendment thereof shall become effective until it shall have been so filed.

g. Annually on the first day of July, or as soon thereafter as may be convenient, the commission shall elect one of its members as chairman and another as vice chairman. The commission shall designate from time to time one of its employees to serve as its secretary. Whenever the secretary shall not attend a meeting of the commission, the commission shall elect a secretary pro tempore who shall take the minutes of the meeting. The records of the commission shall set forth every determination made by the commission, the vote of every member participating in such determination, and the absence or failure to vote of every other member.

SECTION 4. Designations by Commission. --

a. Subject to the conditions hereafter specified in this section, the commission, on its initiative at any time and from time to time after a public hearing, (i) by majority vote of all members of the commission, may designate any landmark, landmark district, architectural conservation district, and protection area, (ii) by such vote, may amend any such designation, and (iii) by two-thirds (2/3) vote of all such members, may rescind in whole or part any such designation; provided, however, that if and when any petition proposing any such designation or amendment or rescission of designation shall be duly filed with the commission by (i) any duly organized non-profit architectural, topographical, historical, or antiquarian commission or society or other similar organization having a specific concern with effecting the purposes of this act or (ii) one hundred (100) or more registered voters of the city, the commission, shall, within the ninety (90) days next following such filing, hold a public hearing on such petition.

b. No such hearing, whether on the initiative of the commission or in response to any such petition, shall be held unless and until

the commission shall have given prior notice thereof (1) by an appropriate advertisement published once weekly for three (3) successive weeks in any newspaper of general circulation in the city and (11) by mailing a copy of such advertisement to every owner (as appearing on the then most recent tax list) of property abutting the proposed landmark or within the proposed district or area; and, whenever feasible in the judgment of the commission, the hearing shall be held in the vicinity of such district, landmark, or area.

c. Every such designation or amendment of designation of any landmark district, architectural conservation district, or protection area shall state its location, describe its general characteristics, and specify its boundaries; and every such designation of any landmark shall state its location, describe its general characteristics, and specify the boundaries of its site.

d. As part of every such designation or amendment of designation, the commission shall adopt regulations which shall specify general standards and other appropriate criteria consistent with the purposes of this act and the provisions of section five which shall be applied by the commission in making any determination under section seven or section eight with respect to the designated landmark or within the designated landmark district, architectural conservation district, or protection area. Such standards and criteria shall take account of the differences in significance and purpose of designation between a landmark, landmark district, architectural conservation district, and protection area; provided, however, that the standards and criteria applicable within any protection area shall relate only to demolition, land coverage, and height of structure.

e. Subject to the provisions of paragraph g. of this section, every such designation, amendment of designation, and rescission of designation shall take effect, and thereafter remain in effect, when the commission shall have filed in (i) the office of the mayor, (ii) the office of the city clerk of the city, and (iii) the Suffolk county registry of deeds, a notice setting forth such designation, amendment of designation, or rescission of designation and a copy of the regulations adopted by the commission as part of the designation or amendment of designation.

f. Within the fifteen (15) days next following such filing by the commission, the mayor shall refer to such official or officials of the city as he shall select a copy of the filing for a report or reports on the relation

of the action of the commission to any master plan, zoning requirements, projected public improvements, and renewal plans applicable to the section of the city affected by such action.

g. At any time within the ninety (90) days next following such filing by the commission, the mayor may disapprove the action of the commission in whole, but not in part, by filing (i) with the commission, (ii) in the office of the city clerk of the city, and (iii) in the Suffolk county registry of deeds notice of such disapproval. Upon such filing by the mayor, the designation, amendment of designation, or rescission of designation by the commission, and the regulations adopted by the commission as part of the designation or amendment of designation, shall cease to be in effect; otherwise the action of the commission shall remain in effect unless and until amended or rescinded by the commission in accordance with this section.

SECTION 5. Regulatory Functions of Commission. -- Except as may otherwise be provided by regulations of the commission duly adopted and effective in accordance with section four or section three and section four:

a. No permit shall be issued by the building commissioner for (i) any reconstruction, restoration, exterior or interior replacement or alteration, or the demolition of any landmark or (ii) the construction, reconstruction, any exterior replacement or alteration, or the demolition of any structure not a landmark in any landmark district, architectural conservation district, or protection area, unless the application for such permit shall be accompanied by a certificate issued and effective in accordance with section seven or section eight;

b. No permit shall be issued by the public improvement commission of the city (or such other agency, if any, of the city as shall have authority to issue such permit) for the erection or replacement of any

sign, marquee, awning, or other exterior architectural feature to be attached or appurtenant to any (i) landmark or (ii) structure not a landmark in any landmark district, architectural conservation district, or protection area, unless the application for such permit shall be accompanied by such a certificate;

c. No (i) reconstruction, (ii) restoration, (iii) exterior erection, (iv) exterior or interior replacement or alteration, or (v) demolition not requiring such a building permit or sign permit shall be undertaken by any person with respect to any landmark, unless such person shall first have applied for and received such a certificate; and

d. No (i) construction, (ii) reconstruction, (iii) exterior erection, replacement, or alteration, or (iv) demolition not requiring such a building permit or sign permit shall be undertaken by any person with respect to any (aa) exterior architectural feature in any landmark district or architectural conservation district or (bb) structure in any protection area, unless such person shall first have applied for and received such a certificate.

SECTION 6. Filing of Application for Certificate from Commission. -

a. Every application for any certificate required by section five shall be filed with the secretary of the commission and shall include as appendices (i) a copy of the application, if any, for the building permit or sign permit to be accompanied by such certificate and (ii) such plans, specifications, and other information as shall be prescribed by the commission in its regulations then in effect.

b. Within the eight (8) days next following the date of such filing (excluding any Saturday, Sunday, and legal holiday), the commission (or such representative thereof as the commission shall have duly authorized so to act on its behalf) shall determine whether the application shall be acted on as an application for (i) a certificate of design approval to be issued in accordance with section seven or (ii) a certificate of exemption to be issued in accordance with section eight; and if the said eight (8) days shall expire without any such determination, the commission (or such representative) shall thereupon issue such a certificate of exemption.

SECTION 7. Certificate of Design Approval. --

a. Except as otherwise provided in paragraph b. of this section, the commission shall hold a public hearing on every application determined, in accordance with section six, to require a certificate of design approval.

b. The commission shall give at least ten (10) days' prior notice of every such hearing by (i) posting notice thereof in the office of the city clerk of the city and (ii) mailing a copy of such notice to (aa) every owner (as appearing on the then most recent tax list) of property abutting the landmark or structure which is the subject of the application and (bb) every person who, in accordance with regulations of the commission then in effect, shall have requested

and be entitled to notice of all such hearings; except, however, that if the owners of all such abutting property shall agree in writing to waive such notice and hearing, the commission may act on the application without such notice and hearing.

c. Any such hearing may be conducted by any member or members or employee or employees of the commission duly authorized by the commission so to act on its behalf, in which event such person or persons shall, promptly following conclusion of the hearing, file with the commission a written report on the hearing, with recommendations for action by the commission.

d. As soon as may be convenient following such hearing (or such waiver thereof), but not later than the fortieth day next following the date of filing of the application (or such further time as the applicant in writing may allow the commission), the commission shall determine whether or not the construction, reconstruction, restoration, alteration, erection, replacement, or demolition delineated in the application and appendices thereto is consistent with the purposes of this act. Forthwith upon making such determination, the commission (i) shall issue a certificate of design approval or shall state in writing its reasons (including such recommendations, if any, as the commission may deem appropriate) for not issuing such certificate and (ii) shall by mail give notice of such determination to the applicant (and, whenever a public hearing shall have been held, to every person who, in accordance with paragraph b. above of this section, shall have been entitled to notice of such hearing). If the commission shall fail so to act within the said period of time, the commission shall, upon demand of the applicant following expiration of such period, forthwith issue a certificate of exemption.

e. In making such determination the commission shall consider:

(i) the regulations adopted by the commission under section four as part of the designation to which the application is subject; (ii) the relationship of the construction, reconstruction, restoration, alteration, erection, replacement, or demolition delineated in the application and appendices thereto to (aa) the entirety of the landmark, exterior architectural feature, or structure which is the subject of the application, (bb) other physical features or improvements in the landmark district, architectural conservation district, or protection area, if any, where such landmark, feature, or structure is located, and (cc) the historical, social, cultural, architectural, or aesthetic significance to the city, the commonwealth, the New England region, or the nation of such landmark, feature, or structure; and (iii) such historical, social, cultural, architectural, or aesthetic consideration or considerations, if any, as the commission shall deem significant and directly related to effecting the purposes of this act.

f. The commission may incorporate in any certificate of design approval such condition or conditions, if any, as the commission may find necessary or desirable to effect the purposes of this act; and every such condition shall be a covenant running with the land. Prior to any such incorporation, the commission may advise the applicant of the proposed condition or conditions and invite his comments thereon; and, in accordance with the procedures and criteria of this section,

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the commission may at any time and from time to time modify or remove any condition so incorporated.

g. No certificate of design approval issued by the commission subject to any condition, nor any action by the commission modifying or removing any such condition, shall take effect until notice thereof shall have been recorded in the Suffolk county registry of deeds. Such notice shall (i) contain the name and address of the owner (as appearing on the then most recent tax list) of the property which is the subject of the application, (ii) identify such property, (iii) state the date and docket number of the commission's determination on the application, and (iv) summarize every such condition. Such notice shall be indexed in the grantor index under the name of such owner, and the fee for such recording shall be paid by the applicant.

SECTION 8. Certificate of Exemption. --

a. A certificate of exemption shall be issued by the commission in response to every application determined, in accordance with section six, to be: (i) only ordinary maintenance and repair involving no change in design, material, color, and outward appearance, or any of them; (ii) any construction, reconstruction, restoration, alteration, erection, replacement or demolition which the building commissioner shall have certified as being required to remove or rectify in a condition dangerous to the public safety; or (iii) any construction, reconstruction, restoration, alteration, erection, replacement, or demolition authorized under any building permit or sign permit duly issued prior to the effective date of this act.

b. Such a certificate may be issued by the commission in response to any application whenever, in accordance with section six, it shall be determined: (1) that the construction, reconstruction, restoration, alteration, erection, replacement, or demolition delineated in the application and appendices thereto would not materially impair the historical, social, cultural, architectural, or aesthetic significance of (aa) the landmark



or structure which is the subject of the application and (bb) the landmark district or architectural conservation district, if any, in which such landmark or structure is located; and (ii) that failure to issue such certificate would impose substantial hardship on the applicant.

SECTION 9. Appeals. --

a. Any person who, having filed an application with the commission in accordance with section six, shall be aggrieved by any determination made by the commission with respect to such application may, within the thirty (30) days next following the date of such determination, appeal the determination to the superior court in equity for Suffolk county. Whether or not such determination shall have been made after a public hearing, such appeal may also be taken by any person who, in accordance with regulations of the commission then in effect, shall be entitled to notice of all public hearings held by the commission under section nine.

b. Upon every such appeal, the court shall hear all pertinent evidence and, on the basis thereof, shall affirm or annul the determination of the commission or order entry of such other decree as equity and the purposes of this act may require. The remedy provided by this section shall be exclusive; but the parties shall have all rights of exception and appeal as in other equity cases. Costs shall not be allowed against the commission or any appellant, respectively, unless the court shall find that the commission's determination shall have been made, or the appellant's appeal shall have been taken, in bad faith.

SECTION 10. Enforcement. --

a. Whoever, without the certificate required by and effective in accordance with this act, shall undertake any (i) reconstruction, (ii) restoration, (iii) exterior erection, (iv) exterior or interior replacement or alteration, or (v) demolition of any landmark or any (i) construction, (ii) reconstruction, (iii) exterior erection, replacement, or alteration, or (iv) demolition with respect to any exterior architectural feature in any

landmark district or architectural conservation district shall be punished by a fine of not less than _____ dollars nor more than _____ dollars; and whoever, after having received from the commission appropriate notice to desist, shall, in violation of this act, maintain any exterior architectural feature (i) of any landmark or (ii) in any such district shall be punished by a fine of not less than _____ dollars nor more than _____ dollars. A separate offense shall occur every day during any portion of which any such violation shall transpire.

b. Upon petition of the commission, the superior court in equity for Suffolk county may (i) restrain any construction, reconstruction, restoration, erection, replacement, alteration, or demolition in violation of this act and (ii) order (aa) the removal in whole or part of any exterior architectural feature maintained in violation of this act and (bb) such reconstruction or restoration as may be necessary or desirable to redress any alteration or demolition undertaken in violation of this act.

SECTION 11. Other Functions of Commission. --

a. The commission shall: (i) plan and direct continuing studies of areas, physical features, and improvements in the city which are known to or shall be brought to the attention of the commission as possible landmarks, landmark districts, architectural conservation districts, or protection areas; (ii) from time to time make appropriate reports on such studies; (iii) carry on educational activities in furtherance of the purposes of this act; and (iv) advise such other officials of the city as the mayor may from time to time specify and any official of the city, the commonwealth, the New England region, or the nation who may request such advice.

b. In the name of the city and in order to effect the purposes of this act, the commission:

1. May apply for (aa) any gift or grant of any property and (bb) any form of subvention; and

11. Subject to the consent of the mayor and council, may (aa) receive any such gift, grant, or subvention and (bb) acquire by gift, purchase, grant, bequest, devise, lease, or otherwise the fee, any lesser interest, development right, easement (including any scenic easement), covenant, or other contractual right (including conveyances on conditions or with limitations or reversions) in any property in the city.

c. Upon written request by the commission of the mayor, the city, by a two-thirds vote of the council and the consent of the mayor, may, in order to effect the purposes of this act, take by eminent domain under chapter seventy-nine any real estate or interest therein located in the city; and, by such vote and such consent, the city may appropriate and expend money for the purpose of paying, in whole or part, any damages for which the city may be liable by reason of any such taking.

d. All property so received, acquired, or taken shall be managed and controlled by the commission in the name of the city.

e. In the name of the city, in order to effect the purposes of this act, and subject to the consent of the mayor and council, the commission may, by sale, barter, or other exchange, convey or otherwise transfer any property managed and controlled by it.

SECTION 12. Severability. -- The provisions of this act are severable; and if any such provision or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provisions of this act.

SECTION 13. Effective Date. -- This act shall take effect on July first, nineteen hundred and seventy-one.

APPENDIX III: SURVEYS CONDUCTED

A. Introduction: General Findings

Note: The bulk of the illustrative material which is referred to in the text of Appendix III, but which has not been duplicated for circulation with this draft, is available in the Preservation Planning Office of the Boston Redevelopment Authority.

INTRODUCTION

As a basic part of its city-wide planning program the Boston Advisory Landmarks Commission has conducted a series of preliminary architectural surveys. These surveys were designed to identify the city's historical, architectural and topographical assets and, by doing so, to aid the present advisory Commission in forming the proposals which are contained in the Report of the Boston Landmarks Commission. These surveys, beyond their role in the deliberations of the advisory Commission, will prove useful in relating municipal conservation priorities to public and private planning and development activities. In this regard they are a permanent municipal resource and will aid the city government in its continuing effort to make Boston a more meaningful place in which to live and work.

More than 2/3rds of the city has been surveyed (Figure I). 18 topographical and architectural areas and 24 individual sites and structures have been identified as meriting consideration for preservation activity (Figure II), and 15 of these items have been recommended for nomination to the National Register of Historic Places.

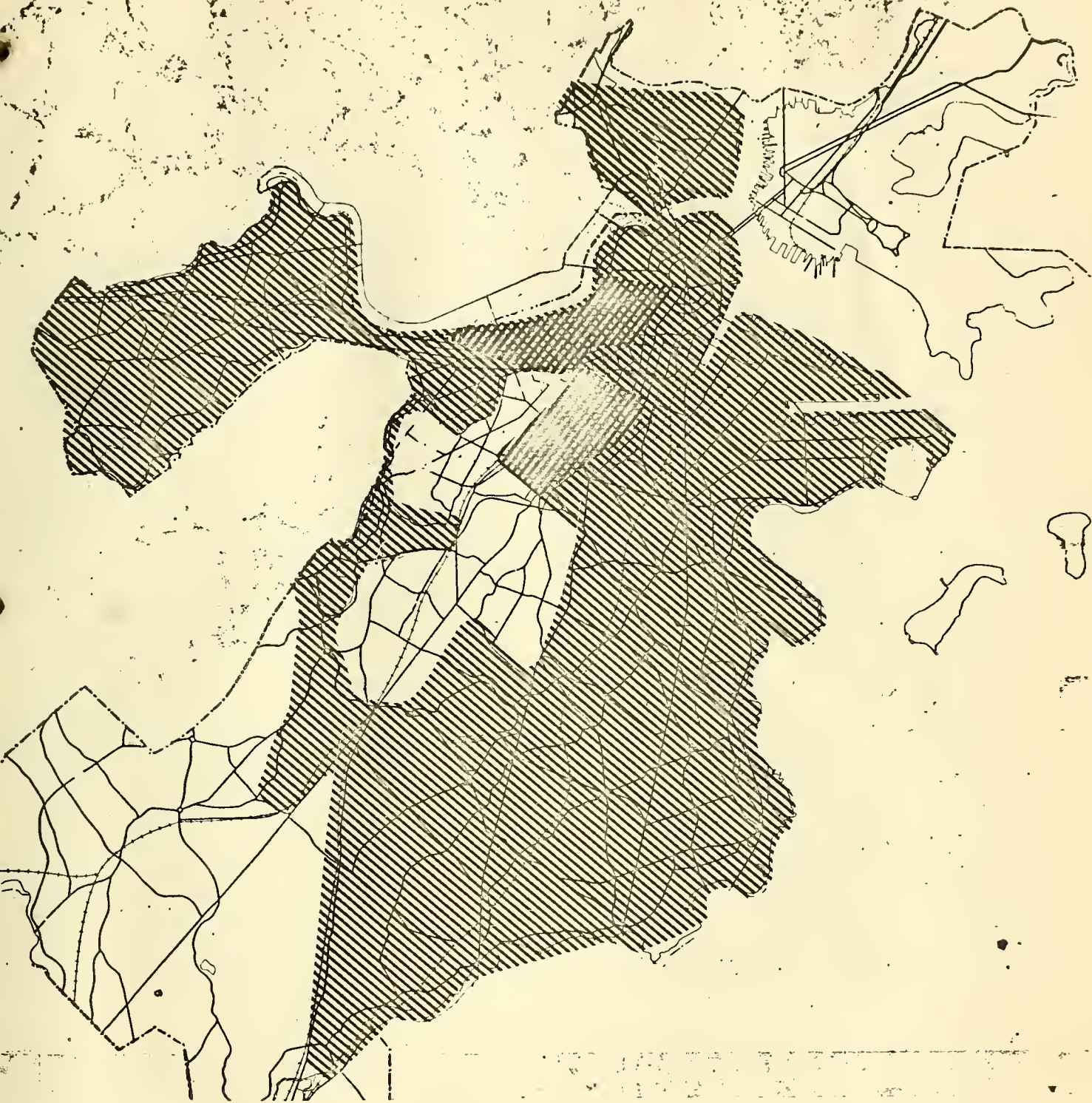


FIGURE I
BOSTON LANDMARKS COMMISSION
SURVEY, 10/30/69 - 10/30/70
PREVIOUS SURVEYS



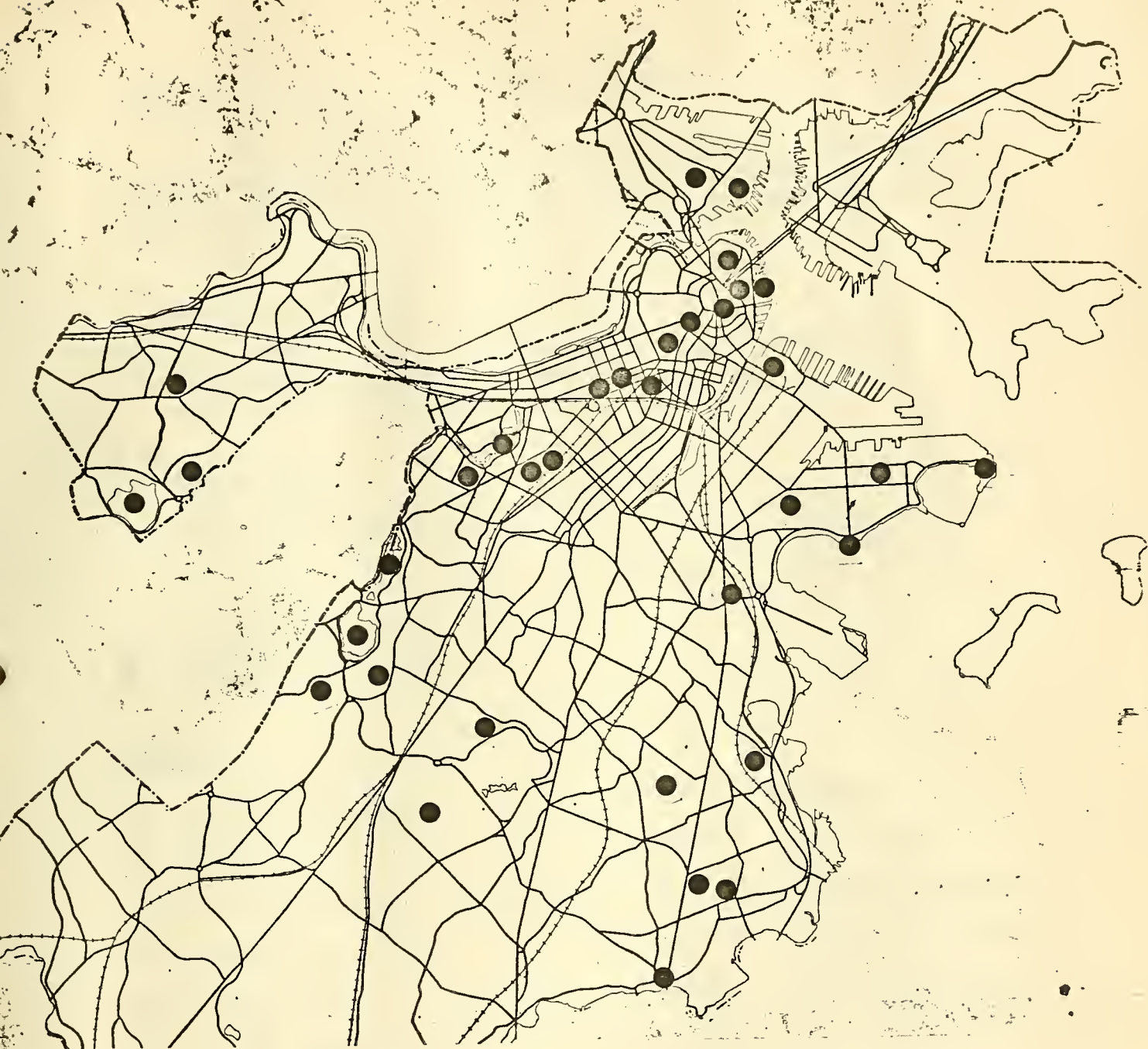


FIGURE II Findings of the Preliminary Survey

Each ● represents one or more of the items listed below or areas identified by the advisory Commission's preliminary surveys as meriting consideration for preservation activity.

Figure II Findings of the Preliminary Survey

Starred items have been recommended for nomination to the National Register of Historic Places; properties without asterisks have been identified as meriting consideration for local preservation activity.

CITY-WIDE

1. Olmsted Parks System, including Back Bay Fens and Fenway, Muddy River Improvement, Leverett Park, Riverway, Franklin Park, Jamaica Park, Jamaicaaway, and Arborway.

ALLSTON-BRIGHTON

- | | | |
|-----------------------------------|------|---------------------------|
| 2. Chestnut Hill Pumping Stations | 1899 | Shepley, Rutan & Coolidge |
| | 1889 | Arthur H. Vinal |
| 3. Selkirk Road District | | |
| 4. Sparhawk Street District | | |
| 5. Gardner Street District | | |

BACK BAY

- | | | |
|--------------------------------------|---------|-----------------------|
| *6. Arlington Street Church | 1859 | Arthur Gilman |
| *7. Church of the Covenant | 1865-67 | Richard M. Upjohn |
| *8. Berkeley Building (420 Boylston) | 1905 | Codman & DesPradelles |
| *9. Boston Public Library | 1887-91 | McKim, Mead & White |
| *10. Trinity Church | 1873-77 | H. H. Richardson |
| 11. Trinity Church Rectory | 1879-80 | H. H. Richardson |

CENTRAL BUSINESS DISTRICT

- | | | |
|--|------|---------------------------|
| *12. Boston Common, Park Street Church, and Old Granary Burying Ground | | |
| *13. Ames Building | 1889 | Shepley, Rutan & Coolidge |

- | | | | |
|------|-----------------------------------|-----------------|-------------------------------------|
| *14. | King's Chapel Burial Ground | 1630 (laid out) | |
| *15. | St. Paul's Cathedral | 1819 | Alexander Parris
Solomon Willard |
| *16. | Winthrop Building and Spring Lane | 1907-08 | Blackall & Newton |

CHARLESTOWN

- | | | |
|-----|---|--------------|
| 17. | Monument Square-Winthrop
Square District | 19th Century |
|-----|---|--------------|

DORCHESTER

- | | | | |
|-----|--|------------------|--------------------------------|
| 18. | All Saints Episcopal
Church, Ashmont | 1892-95,
1913 | Cram, Wentworth
and Goodhue |
| 19. | Roger Clap House, Boston St.
William Clap House | c.1750
1806 | |
| 20. | Roswell Gleason House | c.1845 | |
| 21. | Ashmont District | | |
| 22. | Melville-Allston Streets District | | |
| 23. | Mill Street District | | |
| 24. | Pierce Square | | |

FENWAY

- | | | | |
|-----|--------------------------------|-----------|---------------------|
| 25. | Isabella Stuart Gardner Museum | 1899-1903 | Willard T. Sears |
| 26. | Symphony Hall | 1900 | McKim, Mead & White |
| 27. | Horticultural Hall | 1900 | Wheelwright & Haven |

JAMAICA PLAIN

- | | | |
|-----|--|--|
| 28. | Historic Center, including
Loring-Greenough House (1760),
Curtis Hall (1868), The Civil
War Monument (1871), Unitarian
Church (1854), and cemetery (18th Century),
Eliot School (1832), and Eliot Hall (c.1855) | |
|-----|--|--|

29. Forest Hills Cemetery Opened 1848

NORTH END

- *30. Residential District
- *31. North End-Waterfront District, including
McLauthlin Building (1863), Fulton &
Commercial Streets, Granite Wharf
Buildings north of Cross Street

ROXBURY

- | | | |
|-----|---------------|--|
| 32. | First Church | 1804 |
| 33. | Highland Park | 1869 (Standpipe)
1895 (Landscaping)
1917 (Restoration of
Revolutionary
earthworks) |

SOUTH BOSTON

34. Columbia Road-William J. Day Boulevard District
35. Marine Park-Castle Island District
36. Thomas Park District
37. Boston Wharf Company Buildings

SOUTH COVE

- | | | | |
|------|--|---------|-----------------------|
| *38. | Armory of the First Corps
of Cadets | 1891-97 | William G. Preston |
| *39. | Bay Village District | 1825-40 | |
| *40. | Youth's Companion Building | 1889-91 | Hartwell & Richardson |

WATERFRONT

41. District including Blackstone Block, Faneuil Hall, Market Complex, McKinley Square, Long Wharf, and Grain Exchange

Survey Method

Review of Existing Resources

Before undertaking the physical survey of Boston, the advisory Commission reviewed current architectural survey techniques as exemplified through the publications of Landmark Commissions, Historic District Commissions and Planning Boards, both across the nation and abroad. This review served as a basis for defining an appropriate and efficient preliminary survey for Boston. Having defined the scope of the city's preliminary surveys, the Commission then examined the previous surveys done in Boston to date including both the published reports and the unpublished material of public and private organizations. This review avoided any duplication of effort and resulted in a compilation of readily available resources for architectural and historical research in Boston (See: Report of the Boston Landmarks Commission, Appendix IV).

Survey Criteria of Evaluation

The criteria used to identify and evaluate Boston's distinguished natural and man-made landmarks are fully developed in the Commission's Report of the Boston Landmarks Commission and are concisely defined in Section 1 and 2 of the proposed Act Creating the Landmarks Commission of the City of Boston and specifying its Powers and Duties. (See: Report of the Boston Landmarks Commission, Appendix II).

Here it is enough to note that the National Register of Historic Places Criteria of Evaluation, as quoted below, has been used to define the intrinsic historical merit of a given building, site or area, and that these nationally accepted standards have been supplemented, as noted below, by considerations of the items' influence upon the quality of life in Boston.

National Register Criteria of Evaluation

The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 2. That are associated with the lives of persons significant in our past; or
 3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. That have yielded, or may be likely to yield, information important in prehistory or history.
- (Federal Register, vol. 34, no. 37, p. 2581)

Local Criteria of Evaluation

"On February 20, 1969, the Mayor of Boston and the Director of the Boston Redevelopment Authority announced the establishment of the Boston Landmarks Commission. The Commission was created as an advisory board to the City and was charged with developing a long-range program of historic and architectural preservation for Boston. In creating the Landmarks Commission, the City administration acted upon its belief that Boston's historic, architectural, and topographical assets are vital aspects of the City's character and as such deserve careful consideration within the city planning process. The Mayor noted at the time of the announcement that "Boston has a distinguished historic and architectural legacy that must be preserved if the physical identity of the City is to be maintained."

"The Boston Landmarks Commission has been guided by the conviction that the quality of life in a city is materially affected by the quality of the visual environment. The combination of natural and man-made features has created an urban fabric which gives Boston its distinct physical character. The relationships of the City to the river banks, shoreline, and parkland, the configurations of street patterns with their characteristic groupings of uses and activities, and the contrasts between different styles and periods of building, with their variations in proportion, color, surface texture, and ornamental detailing and their associations with past life styles--all contribute to the pleasure and sense of familiarity which Bostonians can feel toward their city.

"Boston is unsurpassed by any city in the United States. These amenities are not the only sources of Boston's environmental richness and diversity, however. One of the most vital aspects of the city's identity is its past, for the physical fabric of the city embodies the changing needs, values, and technological capabilities of the people who have shaped it over almost three and a half centuries. The different styles and associations of buildings and areas in Boston reflect the city's ongoing process of change and evoke

the city's many roles, past and present -- as a center of trade and finance, as a governmental and religious center, as a leader in education and cultural life, as a major port of entry and settlement for immigrants. People who live and work in Boston today can derive from their surroundings a sense of place, not only in space but in the continuum of history."

(Report of the Boston Landmarks Commission, pp. 3-5)

SURVEY

Having studied national procedures and municipal resources, the Commission undertook the surveys now filed in the Boston Redevelopment Authority's Preservation Planning Office. These surveys, conducted October 1969 to October 1970, entailed field work to determine the study areas' present physical characteristics, historical research to grasp the areas' patterns of development, and interviews to ascertain the relationships among current local and municipal interests and the visual characteristics defined through the physical surveys.

The resulting data for each study area, as exemplified in the South Boston and Jamaica Plain surveys that follow, consist of introductory topographical historys, brief descriptions of the areas' present physical character, and more detailed discussions of its historical, architectural and topographical assets. Each of these surveys includes appropriate illustrative material.

APPENDIX III, B and C: Representative Surveys

The two surveys presented here, South Boston and Jamaica Plain, exemplify the advisory Commission's survey work and, in doing so, demonstrate its range of interest. Both South Boston and Jamaica Plain possess a wide variety of topography, land-use, and architectural patterns; consequently, these two areas typify many of the notable characteristics of the city's urban and suburban neighborhoods. In South Boston and Jamaica Plain, as in each of the areas surveyed, the historically significant or physically distinguished buildings, sites, and open spaces have been identified. Particular attention has been given to the environmental influence of the city's parks, to the architectural contributions of industrial and commercial activity, as well as to patterns of residential and institutional development.

The survey data for Allston-Brighton, Charlestown, Dorchester, the North End, South Cove, the Waterfront, the Olmsted Park System, and the central business district are on file in the Preservation Planning Office of the Boston Redevelopment Authority.

TOPOGRAPHICAL HISTORY OF SOUTH BOSTON

South Boston's topography has been changed radically since it was severed from Dorchester and annexed to Boston in 1804. Then South Boston was a peninsula of approximately 570 acres, dominated by two prominent hills and separated from the Boston peninsula by South Boston Bay and the marshy Dorchester Flats. (Figure I) Today filling operations have altered all of South Boston's original shoreline; Castle Island has become part of the peninsula; the Fort Point Channel is only a vestigial remnant of the South Boston Bay; and Nook, Leek and Birds Hills have been cut down.

During the 17th and 18th centuries South Boston served Dorchester as pasturage and remained wholly rural. It is believed that the first house was built on the peninsula in 1674 and that the land was fenced off into lots only in 1718. General Howes' map of South Boston (Figure II), drawn for the British Army in 1775, shows only 14 buildings scattered along two roads - one running east/west along the present route of Broadway or 4th Street and another branching north off Dorchester Street to Nooks Hill at about 7th Street. If one added half a dozen buildings, this map would depict the peninsula when it, with its population of 10 families, was annexed to Boston by an Act of the General Court.

The annexation of South Boston resulted from a real estate speculation on the part of Joseph Woodward, Harrison Gray Otis, and others. Having acquired land on the peninsula, then called the Dorchester Neck, these men applied to the General Court to annex the whole area to the Town of Boston. After strenuous opposition from Dorchester, the General Court acted favorably upon the speculators' request. It is significant in the topographical history of South Boston that on the same day, March 6, 1804, that Governor Strong signed the annexation bill into law, he also approved bills incorporating both the South Boston Bridge Proprietors and the Front Street Corporation. In 1805, the South Boston Bridge Proprietors opened the peninsula's first direct link with Boston, a 1,551 foot bridge located on the site of the Dover Street Bridge. In conjunction with the construction of this bridge, the Dorchester and Milton Turnpike (today's Dorchester Avenue) was built extending from the South Boston end of the new

bridge to Dorchester Lower Mills. The Turnpike, portions of which were built as a causeway over the Dorchester Flats, remained the western boundary of the South Boston peninsula for several decades. As the Turnpike encroached upon South Boston Bay from the east, the Front Street Corporation began filling the Bay's western boundary for residential development along the eastern, or waterside, of Washington Street between Beach and Berkeley Streets. Thus, within a decade of annexation, the forces were arrayed which were to create the pattern of South Boston's 19th century architectural and topographical development: real estate speculation, bridges to Boston proper, extension of the peninsulas' shorelines, and finally, the establishment of industry on newly made land, which began in 1809 when Cyrus Alger came to South Boston and opened its first major foundry.

South Boston's present grid street pattern was largely determined by a stipulation in the Act of Annexation which provided that land be set aside for streets, a school, a meeting house, and a burial ground. This requirement was executed through the acceptance of Mather Withington's survey and street plan of 1805. Withington's design established Broadway and L Streets as principal axes, provided for the rectilinear and regular blocks of A through Q and First through Eighth Streets, and promoted the later 19th century institutional use of the present Independence Square area.

Despite this laying out of streets and the completion of the Dover Street Bridge and the Turnpike, South Boston developed slowly in the first quarter of the 19th century. In 1825, with its population of 1,986, it was a disappointment to its developers. But South Boston developed rapidly between 1825 and the outbreak of the War Between the States; it is the nature of this period of growth which determined much of the present character of South Boston's urban fabric. During this period, the peninsula's industrial potential was recognized; consequently, land values in South Boston rose 450% between 1835 and 1845. The South Boston Iron Works were incorporated in 1827, the Fulton Iron Works in 1835, the City Point Iron Works were established in 1847, and, most significantly for the area north of First Street, the railroads entered the peninsula in 1845.

In 1845, the Old Colony Railroad tracks were laid along the present Old Colony Avenue, crossed Fort Point Channel near West Broadway and terminated at the Kneeland Street Station. A decade later the Boston and New York Central laid its tracks parallel to B Street and across the Fort Point Channel to South Station. The Boston Wharf Company, served by the Boston and New York Central on made land north of West First Street, built the Congress Street Bridge which the city acquired in 1855 for \$60,000. The acquisition of this bridge and the opening of the northern portion of A Street which also occurred in 1855 provided the first major public way linking industrial South Boston to both Boston proper and to residential South Boston south of First Street.

This expenditure was fully justified in 1855 as South Boston, with a population of 17,931, had become the third largest ward in the city. The growth rate of its population during the decade of 1845-1855 was 65.78% (during the same period the population of the city as a whole grew 42.20%), and in this decade the number of registered voters in South Boston increased 41.16% (from 1,421 to 2,116) against an increase in the city as a whole of only 14.69% (with 23,342 registered voters out of a population of 162,748 in 1855).

With its population growing rapidly to service its expanding industrial complex, South Boston had more houses - 1,978 - in 1855 than any other ward in the city. Architectural forms are discussed in the following survey; however, it might be noted here that 90% of these houses were frame, that the majority of them were built as 2 and 1/2 story one-family dwellings, were rectilinear in plan and had a narrow gabled end facing the street. After 1860, the multiple family row-house, built as a rental property and usually 3 or 4 stories high, became an increasingly frequent building type.

During the last decades of the 19th century, the institutions required by South Boston's growing residential population caused two major alterations in the peninsula's architectural and topographical character. One of these institutional improvements, the construction of the South Boston High School (1898-1900), required the partial destruction of what had been since 1849 South Boston's most scenic park. The high school was built upon the half of Thomas Park which had included a reservoir, a hill-top pond surrounded by a promenade. The second, and perhaps

the most dramatic topographical alteration in residential South Boston during the latter half of the 19th century, was the completion of the Strandway and the resulting development of the southern and eastern shores of the peninsula with the mall, the beaches, and Marine Park. The Strandway (begun in 1889), Marine Park (begun in 1881) and the connection to Castle Island were all projected as part of Frederick Law Olmsted's Boston Park System (1875-1895). Columbia Road, then being developed as a parkway, linked Marine Park and the Strandway to Franklin Park and the Arnold Arboretum; these in turn were connected to Jamaica Pond by the Arborway; from Jamaica Pond the Jamaicaway led to the Fens, and the Fens connected this 18 mile loop to the Charles River the Commonwealth Avenue Mall, the Public Garden and the Boston Common.

In South Boston these improvements encouraged the development of a substantial residential area, between I Street and Farragut Road, overlooking Dorchester Bay. These homes, built largely between 1900 and 1920 and still excellently maintained in their complimentary setting, constitute the most distinguished of South Boston's 20th century developments.

BIBLIOGRAPHICAL NOTE

The material consulted in the South Boston survey is included in Appendix IV , "Topographical and Architectural History of Boston: A Selected Bibliography". Two useful local histories which have not been included in that listing are: C. Bancroft Gillespie, History of South Boston (Boston: Inquirer, 1900), and Thomas C. Simonds, History of South Boston (Boston: David Clapp, 1857).

South Boston Survey

Figure 1 is a rendering of the South Boston portion of the United States Geodetic Survey map of Boston and Vicinity. It demonstrates the prominence of Dorchester Heights, notes the extensive shoreline, points out the gently sloping ridge which runs east-west south of East Broadway and emphasizes the anchor-like effect of Castle Island rising out of the flat, filled land surrounding Pleasure Bay. The map also notes the arc of relatively level land, land rising less than ten feet, which wraps around the western and northern sides of Dorchester Heights, extending from Carson Beach west to the Southeast Expressway and northward to Summer Street. This topography and its relationships to land-use, building type and traffic patterns divides residential South Boston into six areas, each having a distinct visual character. (Figure II)

Area 1, bounded on the west by Old Colony Avenue, Columbia Road, and the Old Colony Housing Project, on the north by Columbia Road and the Old Harbor Housing Project, looks out on Dorchester Bay across the expanse of Columbus Park. The continuity of the boulevard binds this larger area into the southern boundary of residential South Boston. The Boulevard, begun in 1889, is lined on its north side from I Street to Farragut Road with a row of compatible houses built largely between 1900 and 1925. These houses, like the boulevard's median and the shoreline, encourage a sense of unity, a continuous flow, which is punctuated by the L Street Bath House (1901) and the boat clubs (1890's).

Area 2, Marine Park, Pleasure Bay, and Castle Island derive their visual character from their openness and their harbor frontage. This quality is emphasized by its opposition to the industrial barrier in the north and the wall of houses to the west. This area offers the most notable recreational usage of the city's harbor shoreline and serves both visually and psychologically as a coherent seaward terminus of the South Boston peninsula.

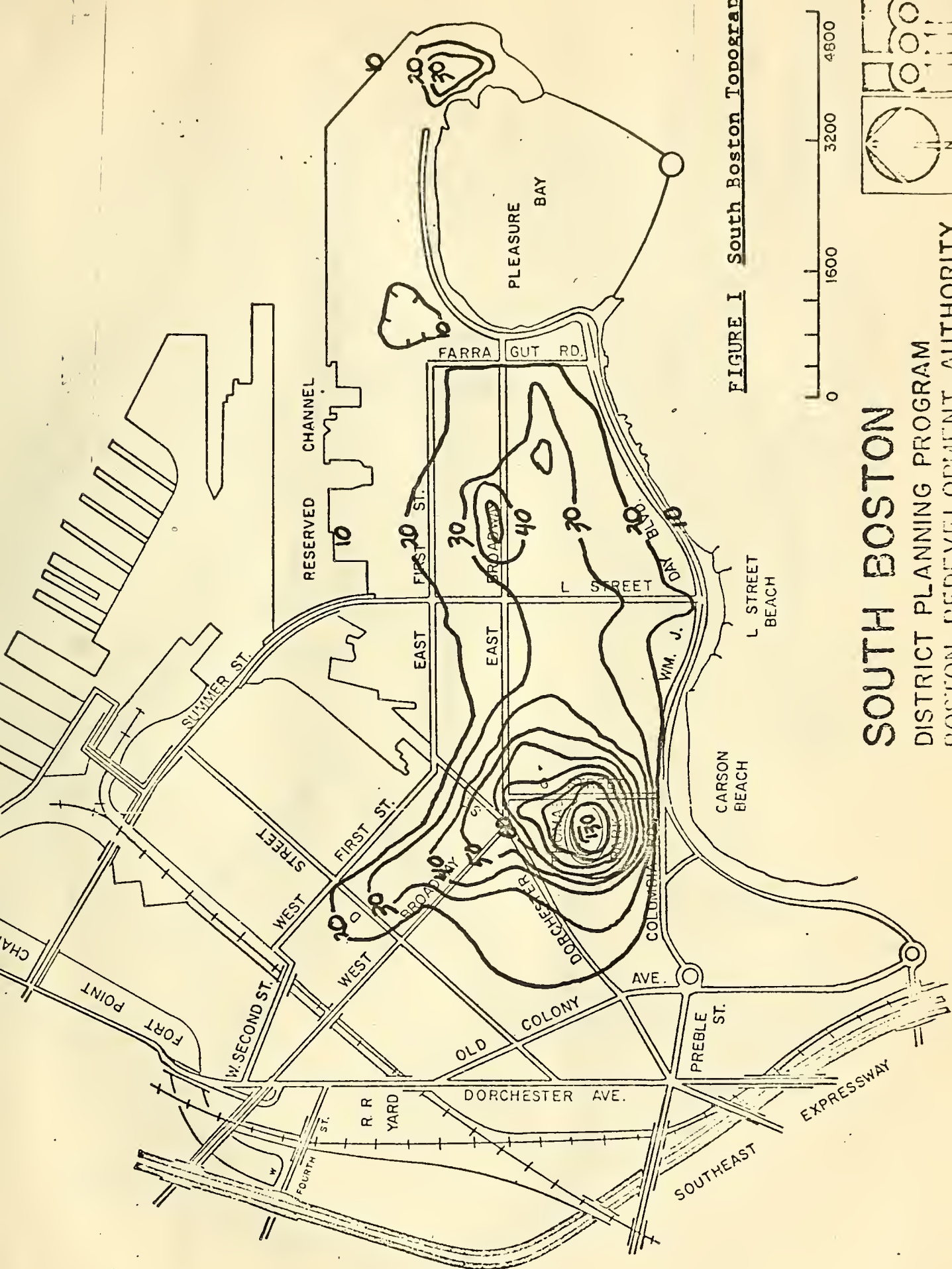


FIGURE I South Boston Topogram

SOUTH BOSTON
DISTRICT PLANNING PROGRAM
BOSTON REDEVELOPMENT AUTHORITY

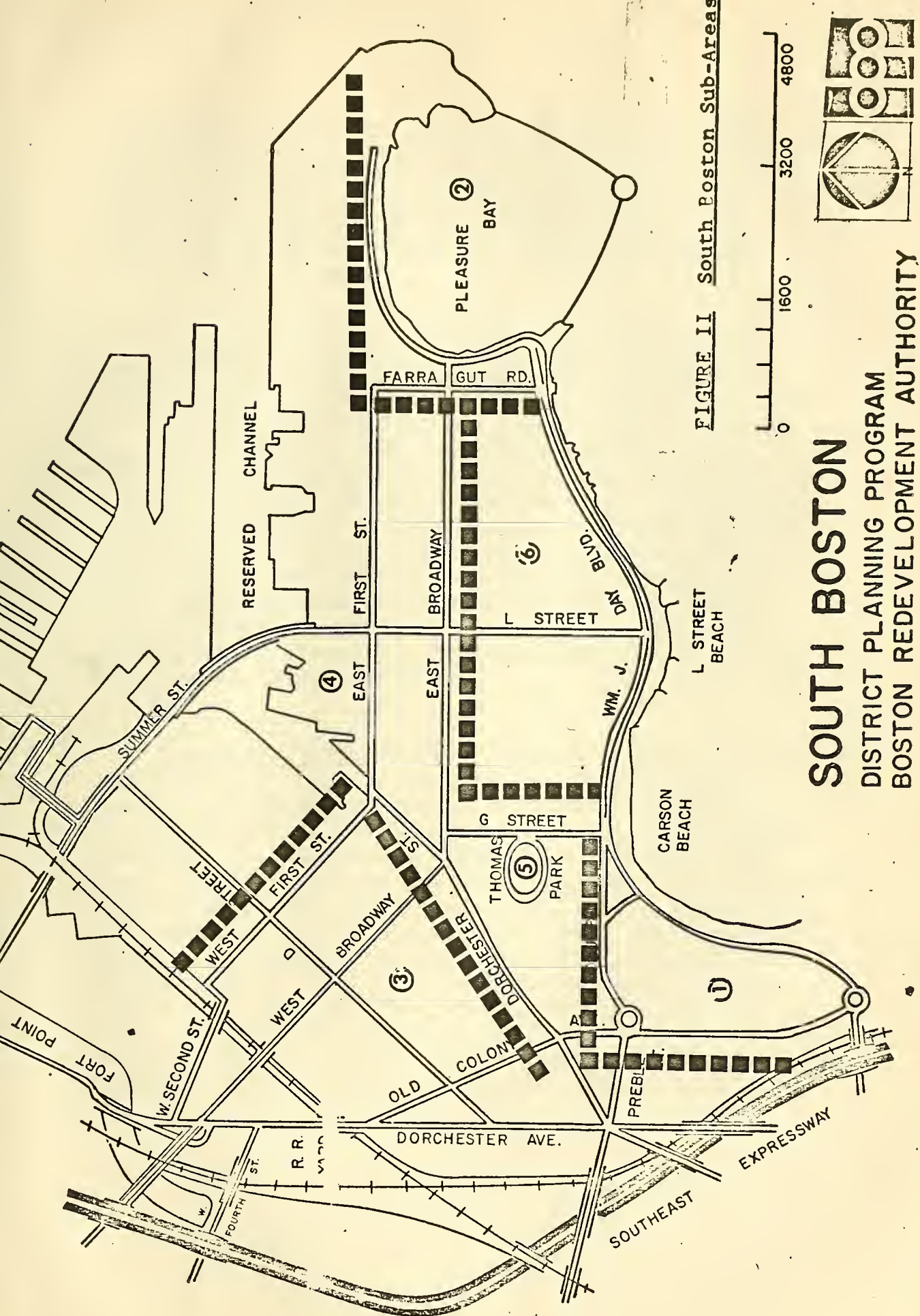


FIGURE II South Boston Sub-Areas

SOUTH BOSTON

DISTRICT PLANNING PROGRAM
BOSTON REDEVELOPMENT AUTHORITY

Italianate row houses, all contiguous to one another and abutting the sidewalk, having a uniform 3 story cornice height, similar porches, stoops, and exterior moulding. Streetscapes of this type and a number of individually notable houses fronting on Thomas Park make this one of South Boston's most distinguished architectural areas.

Area 6, bounded by G Street, East Broadway, Farragut Road, and the boulevard, has no central visual focus. It derives its identity as a neighborhood from homogenous street-scapes enclosed by clearly defined topographical boundaries. The street axes focus attention upon Dorchester Heights, Pleasure Bay and Dorchester Bay while the ridge which crests at the head of Independence Square serves as a northern boundary and offers views west along Broadway and north toward the Reserved Channel. The area's harmonious building scale of 2 and 1/2 to 3 story multiple family housing is the major element in its architectural identity. This identity rarely includes significant design qualities.

Industrial South Boston (Figure III): the Boston Wharf Company complex, from Melcher Street in the south to Sleeper, Farnsworth, Pittsburg and Stillings Streets in the north, is one of the most dense concentration of distinguished buildings in South Boston. These buildings, which are both individually notable and collectively impressive, were built over a 30 year span and demonstrate an evolution of style. (On Congress Street for example, the westernmost brick buildings (number 343 et. al.) were built before 1891, number 332 in 1891, 348 in 1894, 358 in 1900, 381 and 374 in 1907, 369 in 1918.) The uniform lack of set-back, common cornice height, and the vista northwest along Summer and Congress Streets enhance the area's visual unity.

The block between Wormwood and Binford Streets on A Street, built by the Factory Buildings Trust in the 1890's, is a less interesting, though intact, example of nineteenth century warehousing and manufacturing facilities.

As indicated by Figure IV, residential South Boston possesses a large number of historically and architecturally distinguished sites and buildings. Dorchester Heights is not only the site of Boston's greatest Revolutionary victory but is also the center of an architecturally significant area. Columbia Road and the William J. Day Boulevard, particularly between I and P Streets, represent the city's most successful residential use of its harbor frontage. In these ten blocks the demands of architecture and topography, of public and private use, and of pedestrian and vehicular traffic achieve an harmonious resolution. Marine Park and Castle Island are both notable as historic sites and as public recreation areas. And East Broadway presents a broad spectrum of later 19th century architectural styles (particularly in numbers 509 through 520, 787 through 827, and 932 through 942) and demonstrates the continuing social vitality of the area's older architectural fabric.

APPENDIX III, C: Jamaica Plain Survey

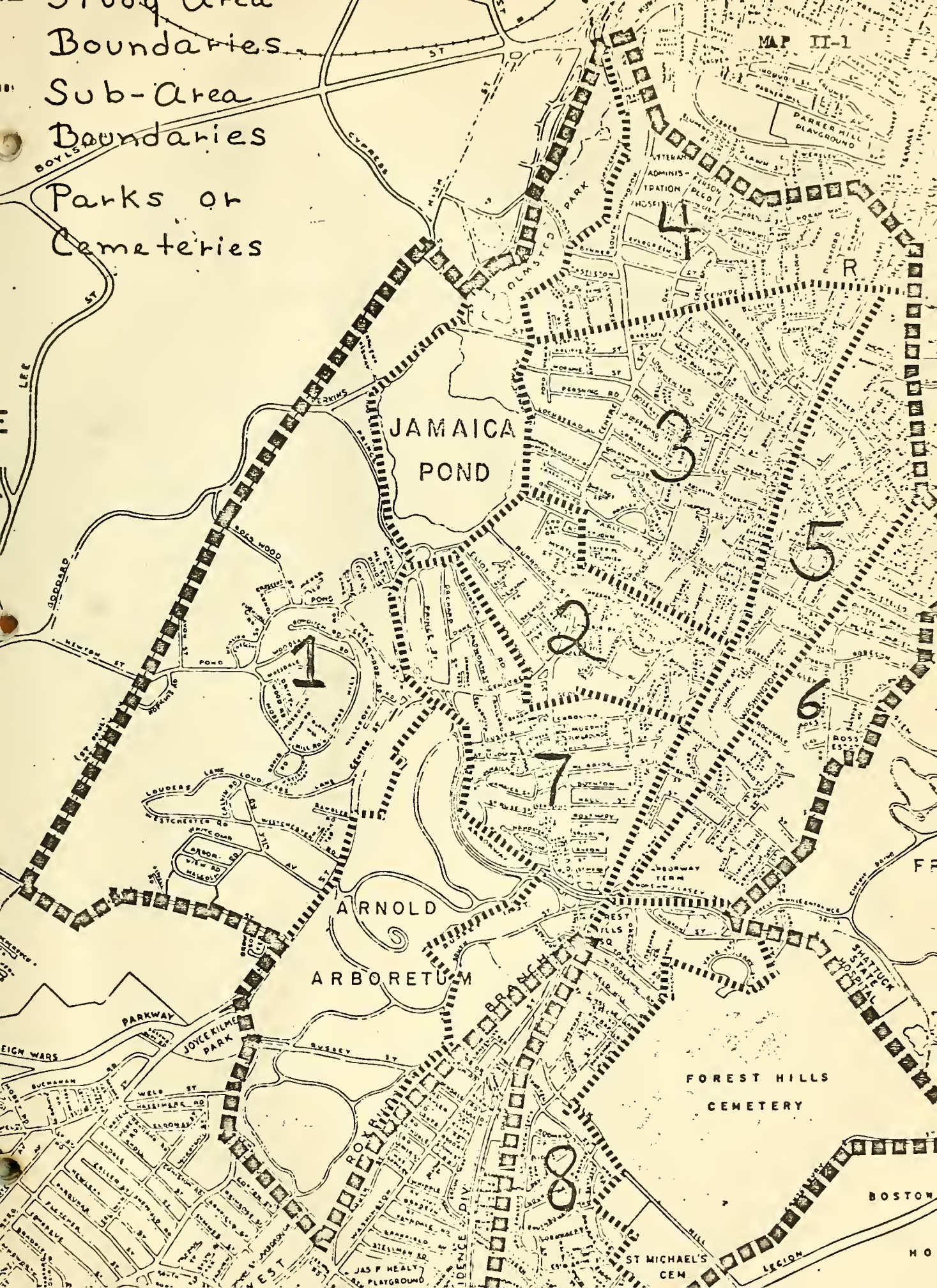
The Jamaica Plain survey was prepared by Cynthia Zaitzevsky, Technical Consultant to the Boston Redevelopment Authority, as a portion of the Architectural and Historic Surveys of Park Square, Jamaica Plain, Forest Hills Cemetery, Olmsted Park System and Pierce Square, Dorchester Lower Mills.

A. Topographical History

Jamaica Plain has never been a clearly defined area. West Roxbury did not separate from Roxbury until 1851, and distinct boundaries have never existed between Jamaica Plain and other parts of West Roxbury. (Map II-1 indicates the boundaries of Jamaica Plain as defined in this survey.) In the 17th century, West Roxbury was an area of fertile farmlands, which supplied much of Boston's fruit and produce. It was sparsely settled; in 1654, there were only 120 dwellings in all of Roxbury. Natural topography and early road patterns determined the first settlements and still define neighborhoods within Jamaica Plain. Contrary to its name, Jamaica Plain is flat in only two areas: one bounded by Centre Street and the east side of Jamaica Pond and the other following roughly the Stony Brook valley.

West Roxbury lies between Roxbury and Dedham, and, in the 17th century, its streets were part of the radial system spreading outward from Washington Street after it crossed the Neck from Boston. (Until the filling in of the Back Bay in the mid-19th century, Washington Street was the only route which connected the peninsula of Boston with the mainland.) Besides Washington Street, which led from Boston in an almost straight line near Stony Brook, the other major 17th-century street in Jamaica Plain was Centre Street, which, in order to avoid the high ledges in the central part of the town, took a somewhat circuitous route from Roxbury to the Dedham line. Early secondary streets included South Street, which branched off from Centre and led to Dedham along the eastern side of Bussey Farm (now the Arnold Arboretum), and Perkins Street, originally called Connecticut Lane, which led from Centre Street at Hyde Square to Brookline along the northern side of Jamaica Pond. Cross streets were not added in significant numbers until the second half of the 19th century.

Study Area
Boundaries
Sub-Area
Boundaries
Parks or
Cemeteries



the city's many roles, past and present -- as a center of trade and finance, as a governmental and religious center, as a leader in education and cultural life, as a major port of entry and settlement for immigrants. People who live and work in Boston today can derive from their surroundings a sense of place, not only in space but in the continuum of history."

(Report of the Boston Landmarks Commission, pp. 3-5)

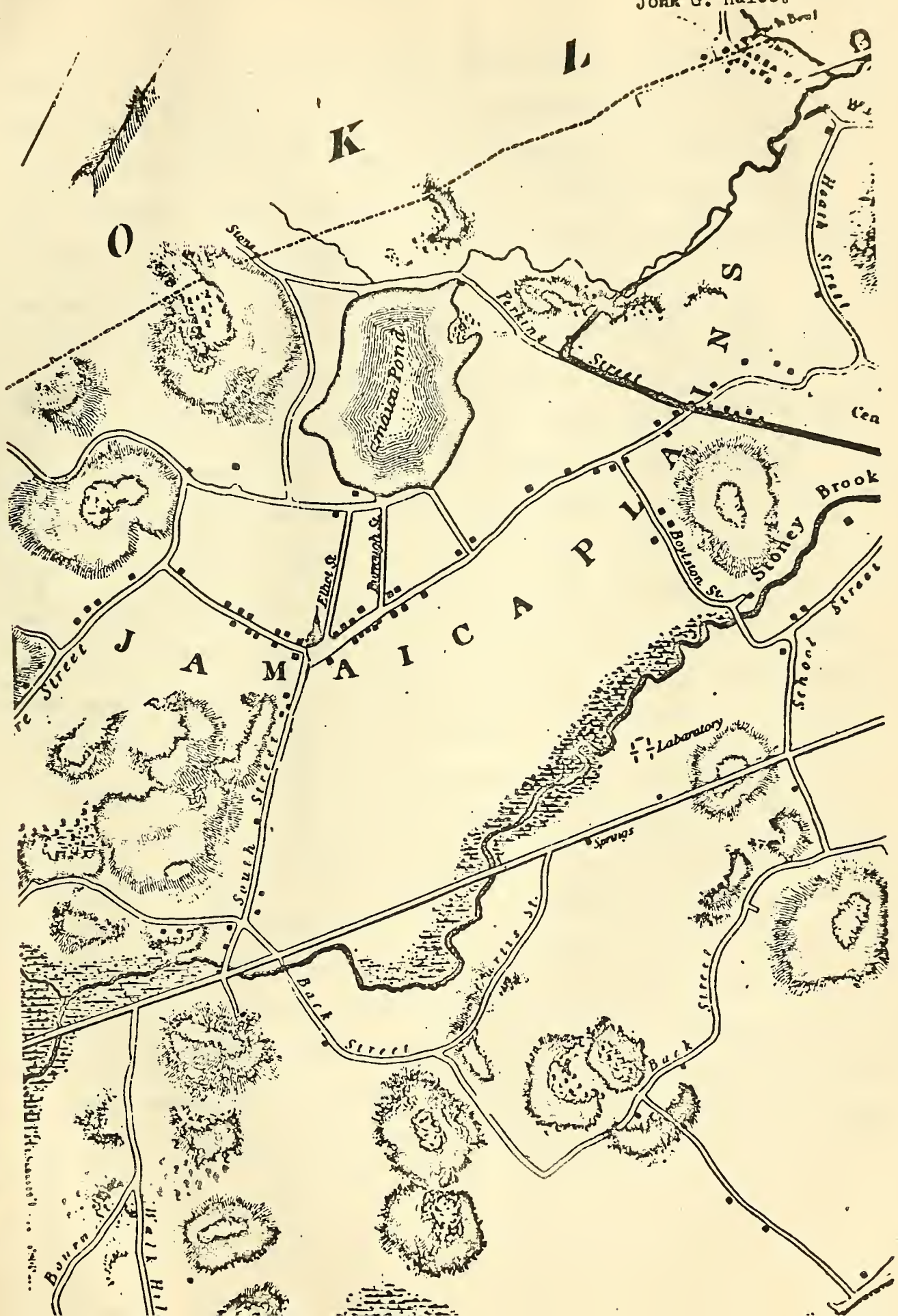
SURVEY

Having studied national procedures and municipal resources, the Commission undertook the surveys now filed in the Boston Redevelopment Authority's Preservation Planning Office. These surveys, conducted October 1969 to October 1970, entailed field work to determine the study areas' present physical characteristics, historical research to grasp the areas' patterns of development, and interviews to ascertain the relationships among current local and municipal interests and the visual characteristics defined through the physical surveys.

The resulting data for each study area, as exemplified in the South Boston and Jamaica Plain surveys that follow, consist of introductory topographical histories, brief descriptions of the areas' present physical character, and more detailed discussions of its historical, architectural and topographical assets. Each of these surveys includes appropriate illustrative material.



MAP II-2 -- Map
of Roxbury, 1832, by
John G. Males.



From this point on, the population was no longer limited to farmers and wealthy summer residents. The commuters built substantial Greek Revival, Italianate and mansard houses within walking distance of the railroad stations, and many of these still stand. Map II-2, a detail of Hale's 1832 Map of Roxbury, shows Jamaica Plain just before the advent of the railway and the subsequent industrial and residential growth.

The second half of the 19th century was a period of rapid change. West Roxbury had always been restless under the numerical and consequent political domination of Roxbury, and, as early as 1706, attempts had been made to separate it from the parent town. A group of citizens, led by Arthur W. Austin, was finally successful in 1851 in having West Roxbury declared a separate town. Eliot Square was considered the social and political center of the community, and, in 1868, a town hall, which still exists although remodelled in 1912, was built near the Loring-Greenough house. West Roxbury had a short life as an independent town; by 1873, prevailing sentiment no longer agreed with Austin, and the town voted to annex itself to Boston.

Jamaica Plain was physically transformed during the second half of the century. In the early '70's, streetcar tracks were extended from Roxbury into West Roxbury along Washington Street and Centre Street. This made Jamaica Plain available to a new and much larger group of residents, still solidly middle class but of more modest means than the railroad commuters. The number of houses built by the streetcar commuters from 1870 to 1900 was unprecedented (28,500 residential building permits during this period for Roxbury, West Roxbury and Dorchester), although Jamaica Plain was not as densely built up as Roxbury and most parts of Dorchester. Most of the 18th-century estates were subdivided, and cross roads

were put in between the old through streets. The areas developed most intensely were central Jamaica Plain -- the hilly and ledgy tract bounded by Centre Street, Green Street and the railroad -- and the district near Franklin Park.

Old residential neighborhoods became more crowded as cul-de-sacs branched from existing streets, and people sold off back, side and front lots. A good example of this late 19th-century development is Greenough Avenue with its offshoots of Greenough Park and Storey Place. This is an enclave of Queen Anne and shingle-style houses tucked in behind the Loring-Greenough house and between older mansard and Italianate houses. Almost all of the houses built in Jamaica Plain during this period were single or two-family, detached, wooden structures. Brick row houses (usually no more than two or three to a row) were rare. The houses were built in the prevailing domestic styles of the last quarter of the 19th century: Queen Anne, shingle style and Colonial revival in all possible variants and combinations. Three deckers were concentrated near the borders of Roxbury and the manufacturing district. Churches of many denominations were built for the new residents, and Centre Street became lined with small stores (Figure II-5). Municipal building did not catch up with population growth until the early '90's, when the Bowditch, Glen Road and Agassiz Schools were built.

Today Jamaica Plain has more open green space, both publicly and privately owned, than any other part of Boston. The major contributor is the Boston park system (1876-96), a large portion of which is either within Jamaica Plain or adjacent to it. Even before the construction of the park system, however, large tracts of land had been set aside in ways that ensured their preservation as open space. In 1831, Henry A. S. Dearborn of Roxbury was the prime mover behind



Mt. Auburn Cemetery in Cambridge. Its success was such that, in the late 1840's when Dearborn was Mayor of Roxbury, he was able to persuade the Roxbury City Council to establish a similar rural cemetery within what is now Jamaica Plain. Forest Hills Cemetery was opened in 1848. In 1842, Benjamin Bussey bequeathed approximately 250 acres of land to Harvard University for the establishment of a school of "practical agriculture, useful and ornamental gardening, botany" etc. The Bussey Institution opened in 1871, and its stone, Gothic revival building of the same year still exists on South Street and is used by the Massachusetts Department of Public Health. Most of the Bussey land was later used for the Arnold Arboretum, and the grounds were landscaped in the early '80's by Frederick Law Olmsted, when the Arboretum became a link in the "emerald necklace" of the Boston park system.

The Boston park system is discussed more thoroughly in Section III (Forest Hills Cemetery and Olmsted Park System Surveys), but a brief synopsis of its history can be given here. Plans for the Boston park system were first formulated explicitly in a Report (City Document No. 42) made by the newly organized Board of Park Commissioners in 1876. The annexations of Roxbury in 1868, Dorchester in 1870 and West Roxbury in 1873 made possible a master plan of unprecedented scope and variety. Olmsted, as Landscape Architect Advisory, designed the parks and parkways and modified the original scheme set forth in 1876. The portions of the park system within Jamaica Plain are Leverett Park, Ward Pond and Jamaica Park (all now called Olmsted Park), the Arnold Arboretum, the Jamaica-way and the Arborway. Franklin Park, the large rural park of the system, lies directly to the east. In the Back Bay Fens and the Muddy River, Olmsted and the Park Commissioners were first of all concerned with alleviating sanitary

problems and, only secondarily, with creating parkland out of highly unpromising material. In contrast, much of the work in and near Jamaica Plain consisted of preserving and enhancing land that was already scenic. One sanitary improvement that did affect Jamaica Plain, however, was the channeling of Stony Brook into the new Back Bay receiving basin and its eventual complete enclosure in a culvert.

The Arnold Arboretum was surveyed and a preliminary plan made by Olmsted in 1878, but construction was not begun until the early '80's. Franklin Park was begun in 1885, and the part of Jamaica Plain adjacent to it immediately became an especially desirable residential district. Although they were integral parts of the 1876 plan, the Jamaicaway, Arborway and Jamaica Park were not constructed until the mid-'90's, the delay being caused by difficulties in obtaining the necessary land. Jamaica Pond was still surrounded by estates, and only a small strip along Pond Street on the southeast was open to the public (Figure II-7). The inclusion of Jamaica Pond within the park system saved it from pollution by the ice houses which had been built between some of the estates (Figure II-9) and also preserved the quality of the neighborhood on the eastern side of the pond. The western side beyond Prince Street and Perkins Street is undeveloped and still in private hands. Seen from the Jamaicaway, the wooded hills on this side form a backdrop to the pond and add greatly to its aesthetic value (Figure II-10).

In the early 20th century, several new streets were added connecting the new parkways with Centre Street. The houses on the Jamaicaway, Arborway and the side streets date mostly from c. 1895 to c. 1935. Many of the larger houses on the Jamaicaway have been converted to institutional use (the Robert Morse house, now the Children's Museum; Mayor Curley's house, now the Oblate Fathers etc.),

usually without serious exterior alterations. In 1909, the Forest Hills Extension of the Boston Elevated Railway was put through above Washington Street. The immediate result was a building boom in Roslindale and West Roxbury, but the long-range effect in the direct vicinity of the elevated was a condition of blight that has long since passed the point of no return. Since World War II, there has been little construction of single-family homes, except in the Moss Hill area. Several low-rise, middle income apartment buildings, for which there is a great demand, were built in the '50's and '60's. The only high-rise, high income residential development has been Jamaicaway Towers, on the corner of Perkins Street and the Jamaicaway. The largest public housing project is Bromley-Heath (1954).

Jamaica Plain continues to be a residential area, but institutional use, especially by hospitals, nursing homes and religious organizations, has steadily increased. Important industry has long since left the Stony Brook valley, leaving only marginal enterprises operating in run-down buildings. Except for chain food stores and gas stations, there has been little new commercial building. Some neighborhoods have deteriorated, especially to the north and near the railroad, and the maintenance of the parks, with the exception of the Arboretum, has become a major problem. Most importantly, the transportation facilities that made Jamaica Plain a suburb -- the railroad, streetcar and elevated -- are obsolete and totally inadequate, and there has been no serious attempt to replace them with more efficient service. The parkways, designed for carriages, have to bear heavy commuting traffic, making it difficult for residents, especially children and the elderly, to use the parks. Although legislation has been passed banning an elevated Southwest Expressway, planning for a depressed highway or rapid transit has been halted pending decisions by the

Governor's task force. The success of architectural preservation efforts and future development in Jamaica Plain will depend to a great extent on the solution of these serious transportation problems.

B. Sub-Area Surveys

Map II-1 indicates the boundaries of the eight sub-areas discussed in this section. Jamaica Plain is a large district geographically, and each of the sub-areas described below is a visually cohesive neighborhood with a clearly defined character. (There are, naturally, transitional zones at many of the boundaries.) With the exception of Area 5, which is largely industrial, and of Area 4, which is mixed in use, all of the neighborhoods are predominantly residential. Areas 1 and 2 are the most significant architecturally and environmentally, and they are discussed at somewhat more length than the rest. Chronological maps have been made for these areas and also for Area 6, which contains several streets of outstanding buildings. A land use map has been prepared for Area 4 to show the variety of building types found in this neighborhood.* Noteworthy buildings also exist in Areas 3, 5, 7 and 8, but they are not sufficiently concentrated to warrant maps for these areas. Forest Hills Cemetery and the Olmsted Park System have not been treated as sub-areas; instead, they have been discussed briefly in the topographical history and are dealt with in detail in Section III (Forest Hills Cemetery and Olmsted Park System Surveys). However, the role of the park system in preserving Jamaica Plain's suburban and, in some areas, rural character has been taken into account in the sub-area surveys.

Area 1 is isolated from the rest of Jamaica Plain by the western borders of Olmsted Park, the Arborway and the Arnold Arboretum (Map II-3). The topography is hilly and still country-like in many places. The rural character is enhanced not only by the adjacent parks but also by the large tracts of

*These 200'-scale maps are on file in the office of the Boston Landmarks Commission.

undeveloped land owned by the many institutions in the area (the Faulkner Hospital, the Nazareth School, the American Academy of Arts and Sciences etc.) and by a few remaining private estates. With the exception of these institutions, land use in Area 1 is almost exclusively residential. There is no commercial activity whatever, and there is only one church (Maronite Roman Catholic) and one public school in the district. Area 1 is the only part of Jamaica Plain in which single-family homes have been built in any number since World War II. Due to the fact that estates in this area became available for subdivision only gradually and in small parcels, the modern developments respect natural terrain and early street patterns. The architecture of the 20th-century houses in the area is generally conservative with emphasis on neo-Tudor and neo-Colonial styles.

Some late 18th-century and early 19th-century houses still exist on or near old streets such as Louder's Lane, Centre, May and Pond Streets (Figures II-11 and II-12). There are only a few late 19th-century houses remaining, but they are of unusually high quality. "Nutwood", an 1866 house located at 231 Perkins Street near Jamaica Pond, is one example (Figures II-13 through II-15). On Centre Street, near the Arboretum, there is a particularly outstanding group of late 19th-century buildings, which were originally the Adams Nervine Asylum and are now used as the Adams House psychiatric division of Faulkner Hospital (Figures II-16 through II-18). These are described in Section C (Recommendations), below p. 32. On the shore of Jamaica Pond adjacent to Area 1 is Pinebank III, a Ruskinian Gothic house built in 1870 for Edward N. Perkins from plans of Sturgis and Brigham (Figure II-20). This building, now owned by the Park Department and incorporated into Olmsted Park, was the third on the site; its immediate predecessor, Pinebank II, was built in 1848 from plans of Charles Lemoulnier (Figure II-19).

Monument (Eliot) Square, formed by the intersection of Centre and South Streets, is the focal point of Area 2. (For the boundaries of this area, see Map II-4.) The Civil War Monument (1871), the Unitarian Church (1854) and the Loring-Greenough house and grounds (1760) dominate the square (Figures II-3, II-4, II-21 and II-22), while Curtis Hall (the 1868 West Roxbury Town Hall), the Eliot School (1832) and Eliot Hall (c. 1855) are on the periphery (Figures II-23 through II-25). (These five buildings and the Monument, together designated as the Historic Center of Jamaica Plain, are discussed more thoroughly in Section C. Recommendations, below p.32.) Area 2, like Area 3, crosses a natural topographical boundary. From Centre Street to the pond, the land is flat and the streets straight, while the Sumner Hill area, to the east of Centre Street, is steeper with a confusing street pattern. Area 2 is architecturally the most interesting, as well as the oldest, part of Jamaica Plain. Although the Loring-Greenough house is the last remaining 18th-century estate, the full spectrum of 19th-century styles is represented. The condition of the buildings is generally good, and many of the houses have large, well-landscaped lots.

Eliot Street is especially rich in 19th-century domestic styles. Within a short distance of Monument Square are three houses of particular interest: 28 Eliot Street (Figure II-26), an outstanding mansard house; 1 Dane Street (Figure II-27), a monumental, full-porticoed Greek Revival house; and 9 Brewer Street (Figure II-28), a charming Gothic Revival cottage. Myrtle Street is also of exceptional interest: the towers of numbers 8 and 9, imaginative evocations of the Italian villa, catch the eye from several viewpoints along Centre and Green Streets (Figures II-31 through II-34), and many other Italianate houses ~~in~~ of the mid-19th century line both sides of the street.

The Sumner Hill area, on the other side of Centre Street, is also outstanding architecturally. Until the mid-19th century, almost all of this land belonged to the Greenough estate. When the land was developed, the standard of architectural quality was high. At the top of the hill is St. John's Episcopal Church, a Gothic Revival building of 1882. (Figures II-35 and II-36). Surrounding it on Roanoke, Revere and Alveston Streets, Greenough Avenue and Storey Place are houses by noted late 19th-century Boston architects, such as William Ralph Emerson and Ware and Van Brunt (Figures II-37 through II-40).

On the negative side, Area 2 is damaged by the undistinguished and traffic-choked commercial strip along Centre Street (Figure II-6) and by a badly blighted area, full of buildings acquired for the Southwest Expressway and now abandoned, near the railroad tracks and lower Green Street.

Area 3 is bounded clearly by the railroad tracks to the east, Centre and Perkins Streets to the north and the Jamaica way to the west, but it can be considered topographically, although not architecturally, a continuation of Area 2 to the south. The western side near the pond is flat and made up of pleasant, tree-shaded streets, lined with one- and two-family houses built after the construction of the Jamaica way is 1895. The section to the east of Centre Street has some mid-19th-century streets, such as Chestnut Avenue, with Greek Revival, mansard and Italianate houses, but the majority of the cross streets were put in during the building boom of the '80's and '90's. The streets were laid and the houses built with an almost complete disregard for natural topography. Street grades change abruptly, and ledges jut out behind conventionally aligned houses. The dominant architectural styles are the Queen Anne of the late 1870's and '80's and the Colonial Revival of the 1890's (Figures II-41 and II-42). Although there are blighted areas and monotonous rows of three-deckers

to the north and east, this neighborhood has more potential for rehabilitation than is currently being realized.

Area 4, located to the north of Centre and Perkins Streets, is historically within Roxbury, although it has come to be considered part of Jamaica Plain. (For the boundaries and land use of Area 4, see Map II-5.) The strip along the Jamaicaway is lined with small hospitals and social service organizations. The main segment between South Huntington Avenue and Heath Street contains several large institutions -- the Veteran's Administration Hospital, Cardinal O'Connell Seminary and Blessed Sacrament Church -- that form a wall between the main streets and the residential neighborhood behind. The most interesting feature of the latter is a development of low-cost homes planned in the early '90's by Robert Treat Paine and located on Sunnyside, Edgehill and Roundhill Streets (Figure II-44). On Heath Street and Bickford Street, there are several late 19th-century factories that are worthy of note (Figures II-43 and II-45).

The manufacturing district, Area 5, is the flat, wedge-shaped piece of land occupying the former Stony Brook valley. It is isolated from the rest of Jamaica Plain by the railroad tracks and Washington Street. In the last quarter of the 19th century, almost all of the factories in this area and in Area 4 were breweries. Names such as Germania, Bismarck, Beethoven, Mozart and Schiller Streets recall the German origin of most the factory workers, and a former German club (276 Amory Street) is now used by the Jamaica Plain Neighborhood House. Haffenreffer Beer, the last of the breweries, left the area several years ago. Today, the lower, narrow part of the wedge below Green Street contains most of the active industry: Gulf Oil, Boston Gas, Kinney Vacuum etc. The upper part of the wedge is partly residential and contains rows of mid-19th century mansard cottages

APPENDIX IV

BIBLIOGRAPHY: BOSTON ARCHITECTURE AND TOPOGRAPHICAL DEVELOPMENT

I. GENERAL HISTORY

A. BOSTON PROPER AND GENERAL WORKS

- 1) Boston. Registry Department. Records Relating to the Early History of Boston. 39 vols. Boston, 1879-[1909].

Early census, birth, death, and marriage records, acts of the selectmen, vital statistics, and many miscellaneous papers, including (in vol. 5), Nathaniel Ingersoll Bowditch's "Gleaner" articles on topographical history, written for the Boston Evening Transcript in 1855.

- 2) Boston Tercentenary Committee. Subcommittee on Memorial History, comp. Fifty Years of Boston. Boston, 1930.

An updating of Winsor (see below, #5).

- 3) Handlin, Oscar. Boston's Immigrants. Rev. and enl. ed. Cambridge, 1959.

A readable and scholarly study of the impact of immigration on nineteenth century Boston, and the process of assimilation. Chapter IV, "The Physical Adjustment," is particularly relevant to architectural and topographical studies. Well illustrated with maps and prints, and containing a helpful annotated bibliography.

- 4) Hartwell, Edward M., Edward W. McGlenen, and Edward O. Skelton. Boston and Its Story, 1630-1915. Boston, 1916.

A city publication by city officials, this book contains conveniently accessible information (statistical and other formal data) relating to the growth of the municipality.

- 5) Winsor, Justin, ed. Memorial History of Boston. 4 vols. Boston, 1881-1886.

A massive compendium of articles on every aspect of Boston's history, including histories of the annexed towns of Dorchester, Charlestown, Roxbury, and Brighton.

B. ANNEXED AREAS

- 6) Drake, Francis S. The Town of Roxbury. Roxbury, 1878.

- 7) Hunnewell, James F. A Century of Town Life: A History of Charlestown, Massachusetts, 1775-1887. Boston, 1888.

Lamb, Martha J., The Homes of America, New York, 1879. (FA 1633.3 - Fine Arts Library, Harvard) Description and sketch illustration of Pinebank III, pp. 189-192. Describes the steps from the John Hancock House. Description and sketch illustration of the Francis Parkman House (demolished), pp. 192-194. Architects not given for either house.

Magazine of Horticulture, vol. 22, 1856, p. 431. (Library of the Massachusetts Horticultural Society) Records a visit to Pinebank II and mentions the fact that the architect was Lemoulnier.

Seaver, Fred, "The Founders and Incorporators of the Third Parish in Jamaica Plain, who they were and where they lived in 1769," Jamaica Plain, Mass., 1917. (Boston Public Library, Jamaica Plain Branch) Short but useful study based on deed research. End-leaf is a reproduction of part of Hale's 1832 map with the houses of the 27 founders of the parish numbered and identified.

Smith, Larry and Co., Economic Analysis: Jamaica Plain GNRP Area, prepared for the Boston Redevelopment Authority, New York, 1964. (BRA Library) Detailed economic analysis of Jamaica Plain (excludes Areas 1 and 8 in this report). Limited value for a study of architectural history.

Warner, Sam B., Jr., Streetcar Suburbs, The Process of Growth in Boston, 1870-1900, Cambridge, Mass., 1962, second edition in 1969 as an Athenaeum paperback. Deals with the residential development and growth of Roxbury, Dorchester and West Roxbury from 1870-1900. This study, which was based on a very detailed analysis of the records of the Boston Building Department, is very helpful for understanding development patterns. Its usefulness is limited, however, by the fact that it covers a large district of which Jamaica Plain is just a part, it covers only thirty years, and it discusses only residential building.

Whitcomb, Harriet Manning, Annals and Reminiscences of Jamaica Plain, Cambridge, Mass., 1897. (US 13314.5 - Widener; Boston Public Library, Jamaica Plain Branch) Brief history of the area told in anecdotal style.

b. Unpublished

Boston Historical Conservation Committee. Unpublished records of survey work in Jamaica Plain. (Boston Athenaeum) Some of the most outstanding buildings in the area were photographed and partially documented. Also includes an outline of historical development of area.

Warner, Sam B., Jr., "The Residential Development of Roxbury, West Roxbury and Dorchester, Massachusetts, 1870-1900. Doctoral dissertation, Harvard University, 1959." (Harvard University Archives) Thesis on which Streetcar Suburbs was based. Contains some information, illustration, maps etc. not found in Streetcar Suburbs.

Report of the Committee on the Location and Erection of a Town House, West Roxbury, Mass., 1866. (US 13187.41.23 - Widener; Boston Public Library, Jamaica Plain Branch) Includes as an Appendix a "Description of the Building" by Ware and Van Brunt. Ware and Van Brunt's plan was prepared in order to give the Committee an idea of the cost and does not necessarily mean that they were selected to do the final building. The location recommended by the Committee at this time was not the one finally selected.

2. SECONDARY SOURCES

a. Published

American Architect and Building News, Boston, Mass., 1876-1900. (Athenaeum, Boston Public Library, Fine Arts Library, Harvard and Robinson Library, Harvard) Several Jamaica Plain buildings were published in the American Architect during these years. The American Architect is indexed by locality as well as by building type.

Boston Redevelopment Authority, "Jamaica Plain, General Neighborhood Renewal Plan, Project No. Mass. R-49", Boston, 1965. (BRA Library) Useful for assessing the physical, social and economic condition of the area at the present time. Of limited value for an architectural study of Jamaica Plain.

Drake, Francis S., The Town of Roxbury, Roxbury, 1878. (US 13187.41.15 - Widener; Boston Public Library, Jamaica Plain Branch) Chapters X, "Centre Street", XI, "Jamaica Plain" and XII, "West Roxbury" are relevant. Contains considerable information about old houses and landmarks mixed in with bits of local history. Index and sketch illustrations. Some of the same material is found in Drake's contributions to the Memorial History of Boston, Vols. I-IV, edited by Justin Winsor, Boston, 1881.

Hamlin, Talbot, The American Spirit in Architecture, New Haven, 1926. (2633 H22am - Fine Arts Library, Harvard) Illustration and discussion of 15 Greenough Avenue, Jamaica Plain by William Ralph Emerson, p. 167.

Jamaica Plain Tuesday Club, Inc., The History of the Loring-Greenough House, Boston, 1956. Synopsis of the history of the house. Illustrated.

King's Handbook of Boston, Boston, Mass., 1883. (US 13183.33.5 - Widener) Description and illustration of the Bussey Institution: pp. 133-134. Description and illustration of the Adams Nervine Asylum: pp. 225-226.

c. Prints and old photographs

The collections at the Society for the Preservation of New England Antiquities, the Boston Athenaeum, the Boston Public Library Print Room and the Boston Public Library, Jamaica Plain Branch contain a few prints and many 19th-century and early 20th-century photographs of Jamaica Plain. A selection of these illustrates this report.

d. Architects' drawings and other Archival Material

The N. J. Bradlee Collection at the Boston Athenaeum contains 70 pages of drawings for the Unitarian Church in Jamaica Plain (vol. 2, 1854, 135-205). Also drawings for a house for J. W. Seaver in Jamaica Plain, probably located on Morton Street and demolished (vol. 21, 1870), and drawings for a library for C. H. Miller, Jamaica Plain (vol. 14, 1865). The latter appears to be an addition, and the building has not yet been identified.

The John H. Sturgis Archive contains architectural drawings by the firm of Sturgis and Brigham, office records and correspondence. There is documentation in the form of drawings and correspondence for Pinebank III. A letter from E. N. Perkins to Sturgis also mentions Lemoulnier as the architect of Pinebank II. (Information concerning the Sturgis Archive was kindly made available by Margaret Floyd, Radcliffe Institute Scholar, who is preparing a monograph on Sturgis and Brigham.)

e. Contemporary documents (published)

Austin, Arthur W., Address at the Dedication of the Town House at Jamaica Plain, West Roxbury, Boston, 1868. (US 13187.41.23 - Widener) Synopsis of the history of West Roxbury together with a brief review of the history of its separation from Roxbury.

Ceremonies at the Dedication of the Soldiers' Monument, West Roxbury, Mass., Boston, 1871. (US 13187.41.25 - Widener) Primarily a eulogy but also includes a description of the Monument (pp. 31-32).

Choate, Rufus, Application to Set Off Wards 6, 7 and 8 of Roxbury City as an Agricultural Town, Boston, 1851. (US 13187.41.10 - Widener) Choate, together with Austin, was a spokesman for the petitioners in the successful attempt to separate West Roxbury from Roxbury. Useful as a document in the social and political history of the town.

Gray, Thomas, D.D., "Half-Century Sermon," Boston, 1842. (Boston Public Library, Jamaica Plain Branch) History of the Third Parish (Jamaica Plain) from 1769 to 1842. "Memoranda" (pp. 43-44) gives dates and facts relating to the development of the town and to the use of the land given by the "Apostle" (John) Eliot.

D. Annotated Bibliography

1. PRIMARY SOURCES

a. City Records, Published and Unpublished

Boston Architect Department, Annual Reports, 1891-94, Boston, Mass. (FA 2635.2 - Fine Arts Library, Harvard) Reports for the years when E. M. Wheelwright was City Architect. Contains documentation and illustration for municipal buildings erected in Jamaica Plain during this four-year period, including several schools, the Jamaica Pond boathouse and an addition to the Police Headquarters.

Boston Board of Street Commissioners, Boston's Streets, Avenues, Courts and Places, Boston, 1912. (Athenaeum - Reference Dept.) Important for reconstructing street development. This particular edition gives histories as well as locations of streets.

Boston Building Department. Original permits to build and permits for remodelling. The permits begin about 1875, but they are not very complete for the Jamaica Plain area until the 1890's.

b. Maps and Atlases

Map of Roxbury, 1832. John G. Hales. Reproduced in Drake (see below, under Secondary Sources) opp. p. 42 and on microfilm in the BRA Map Department. A detail of the latter is reproduced as Map II-2 of this report. This appears to be the earliest detailed map of Roxbury (which then included West Roxbury). Buildings are indicated but ownership is given for only a few.

Map of Roxbury, 1843. Charles Whitney. (Harvard College Library Map Room). An excellent detailed map showing considerably more development than in 1832 (probably the effect of the Boston and Providence railroad, which opened in 1835). Shows buildings but ownership is generally not given; types of public buildings are indicated. This map was revised in 1849, and a copy of the revised 1849 Whitney map is located in the Boston Public Library Rare Book Department.

Atlases of Roxbury (necessary for Area 4, which is historically part of Roxbury). Published in 1873 (Hopkins), 1884, 1888, 1889, 1895, 1899, 1906, 1915, 1931 (all Bromley). These Atlases are found in the Boston Athenaeum, the Boston Public Library Rare Book Department, the Harvard College Library Map Room and the Boston Building Department.

Atlases of West Roxbury. Published in 1874 (Hopkins), 1884, 1890, 1896, 1914 and 1924 (all Bromley). These Atlases are located in the libraries and city department listed above.

this area is a division of the Arborway which rises up over a ledge and commands a beautiful, bird's-eye view of the Arboretum. Between South Street and the railroad tracks, the neighborhood deteriorates badly. Plans for the Southwest Expressway, when decided, will radically affect this area, as they will the corresponding parts of Areas 2 and 3. At present, the land near the tracks is full of abandoned and decaying buildings.

Area 8 is customarily referred to as "White City" and is bounded by Msgr. Casey Highway, Hyde Park Avenue, Forest Hills and St. Michael's Cemeteries and Neponset Avenue. Although many of the streets -- Walk Hill, Weld Hill and Bourne -- date from the 19th century, most of Area 8 consisted of large farms until the early 20th century, and few 19th century buildings remain. With the exception of the commercial section of Forest Hills Square and Hyde Park Avenue, it is now almost completely a residential district, containing 20th-century, single-family homes of conventional, neo-Colonial design. One large tract near Bourne Street was developed in the early 20th century by the Boston Dwelling House Company and features an imaginative use of common park and playground areas. The presence of Forest Hills, Mount Hope and St. Michael's Cemeteries is felt strongly, since they are visible from many of the streets.

(Figure II-47), as well as later three-deckers. Printing and scrap metal seem to be the primary industries in this area now, and most of the 19th-century factories that remain are used as warehouses. Several of these brick factories, located near the railroad tracks and along Green Street, are of high quality and are worthy of further study (Figure II-46).

Area 6 lies between the manufacturing district and Franklin Park and has some of the characteristics of each. On the negative side, the severely deteriorated state of the commercial strip along Washington Street and the three-decker residential streets behind it seriously damages the area. The southernmost portion of Area 6 is now occupied by the Arborway Terminal, the Msgr. Casey Highway and the Shea rotary, all of which blight the surrounding neighborhood and destroy the effect of the once monumental Forest Hills Entrance to Franklin Park (Figure III-10). The neighborhood near Sigourney and Robeson Streets, however, contains many spacious shingle-style and Colonial revival houses built in the late '80's and '90's and still in good condition (Figures II-48 through II-51). Forest Hills Street, once lined with estates, is also attractive, although only partial advantage of its proximity to the park has been taken by the institutions and apartment complexes that have been built here in recent years. The area from Montebello Road to Columbus Avenue contains some mid-19th-century working class housing: modest mansard, Gothic Revival and Italianate cottages, now in very bad condition. (See Map II-6 for boundaries and notable buildings in this area.)

Area 7 lies south of Monument Square. The section between Centre Street and the Jamaica way is similar to the corresponding part of Area 3: flat with streets of early 20th-century single and two-family houses. The principle feature of the portion of Area 7 bounded by the Arborway, Centre and South Streets is St. Thomas Aquinas Church and School. By far the best residential street in

- 8) Orcutt, William Dana. Good Old Dorchester: A Narrative History of the Town, 1630-1893. Cambridge, 1893.
- 9) Sumner, William Hyslop. History of East Boston, with Biographical Sketches of its Early Proprietors. Boston, 1858.
- 10) Toomey, John J., and Edward P. Rankin. History of South Boston. Boston, 1901.

With the exception of #10, which contains extensive information on topographical and economic development, these works are antiquarian and anecdotal in their treatment of local history. They are useful, however, for background material and illustrations.

II. TOPOGRAPHICAL HISTORY

See also: #s 1, 22, 23, 27, 28, 92, 100; Section V.

- 11) Boston Elevated Railway Company. Fifty Years of Unified Transportation in Metropolitan Boston. Boston, 1938.

A succinct history of the development of public transportation, illustrated with maps, photographs, and old prints.

- 12) Boston Street Commissioners. Record of Streets, Alleys, Places, etc., in the City of Boston. 2nd ed. Boston, 1910.

An alphabetical listing of streets in the city, with the history of each from its original laying-out to the time of publication. This edition also includes a description of the boundary line of the city and of the changes which had been made in it from the date of settlement.

- 13) Bruce, James L. "Filling in of the Back Bay and the Charles River Development," Proceedings of the Bostonian Society, 1940, 25-38.

History of the filling of Back Bay and the development of the Esplanade. Preceded by a useful map showing all the areas of filling since the foundation of the town, with dates and dimensions.

- 14) Chamberlain, Allen. Beacon Hill: Its Ancient Pastures and Early Mansions. Boston, 1925.

A detailed narrative of the development of the hill, with emphasis on social and topographical rather than architectural history.

- 15) Eliot, Christopher R. "The Boston Public Garden--Horace Gray, Sr.--Charles Francis Bernard," Proceedings of the Bostonian Society, 1939, 27-45.

History of the establishment and development of the Public Garden, illustrated with early views.

- 16) Fabos, Julius G., Gordon T. Milde, and V. Michael Weinmayr. Frederick Law Olmsted, Sr., Founder of Landscape Architecture in America. [Boston], 1968.

A brief account of Olmsted's career, illustrated with photographs and plans. Useful for an overview of Olmsted's Boston achievement.

- 17) Hultman, Eugene C. "The Charles River Basin," Proceedings of the Bostonian Society, 1940, 39-48.

This article, complementing Bruce (see above), is concerned with the building of the bridges over the river and the creation of the Storrow Embankment.

- 18) Warner, Sam B., Jr. Streetcar Suburbs: The Process of Growth in Boston, 1879-1900. Cambridge, 1962.

A socio-economic study of the residential development of Roxbury, West Roxbury, and Dorchester, based on a detailed analysis of records in the Boston Building Department, and illustrated with maps and photographs. Contains a helpful annotated bibliography.

- 19) Whitehill, Walter Muir. Boston: A Topographical History. Rev. ed., Cambridge, 1968.

Indispensable and gracefully written account of the growth of the central city, generously illustrated.

III. ARCHITECTURAL HISTORY

A. GENERAL AND AREA STUDIES

- 20) Boston Historic Conservation Committee. Beacon Hill: The North Slope. Mimeographed. Boston, 1963.

History of the area, brief descriptions of the principal architectural styles represented, and a street-by-street description and evaluation of notable buildings.

- 21) Brown, Frank Choutau. "The First Residential 'Row Houses' in Boston," Old-Time New England, 27, 3 (1947), 60-69.

An account of early row-house development in Boston, with emphasis on Bulfinch's Tontine Crescent.

- 22) Bunting, Bainbridge. Houses of Boston's Back Bay. Cambridge, 1967.

An authoritative study of the topographical development, architectural history, and social, economic, and cultural background of the Back Bay residential area. Generously illustrated, and with appendices listing the date, builder, and (where known) architect of each house and major public building in the area.

- 23) Damrell, Charles S. A Half Century of Boston's Building. Boston, 1895.

A detailed account of major construction after 1845, with attention to building statistics, the enactment of building laws and ordinances, prominent architects, and technical developments. Its usefulness is impaired by its lack of an index.

- 24) Hamlin, Talbot. Greek Revival Architecture in America. London, 1844.

This authoritative history of the Greek Revival style contains a chapter on Boston which is the best general account available of Boston architecture in the early nineteenth century. Indispensable, especially for architects who have not yet been accorded thorough scholarly treatment. Also contains an extensive annotated bibliography of primary and secondary material.

- 25) Hitchcock, Henry-Russell. Boston Architecture 1637-1954. New York, 1954.

A brief survey of notable Boston buildings, prepared as a guidebook for the American Institute of Architects.

- 26) Huxtable, Ada Louise. "Progressive Architecture in America," Progressive Architecture, 39, 6 (1958), 117-118.

A brief journalistic article on Boston's mid-nineteenth century commercial architecture in granite.

- 27) Kilham, Walter H. Boston After Bulfinch. Cambridge, 1946.

Though not notable for scholarly rigor, this informal account of the development of architectural styles in nineteenth century Boston is a lively introduction to the subject.

- 28) Morrison, Hugh. Early American Architecture. New York, 1952.

The most comprehensive one-volume treatment of American colonial architecture, with discussions of several early Boston landmarks.

- 29) Place, Charles A. "From Meeting-House to Church in Early New England," Old-Time New England, 13, 2 (1922), 67-77; 13, 3 (1923), 111-123; 13, 4 (1923), 149-164; 14, 1 (1923), 3-20.

A thorough study of the development of meeting-house architecture in New England from the earliest settlements through the Federal period. Considerable attention is given to Boston as the major cultural center.

- 30) Weinhardt, Carl J., Jr. "The Domestic Architecture of Beacon Hill, 1800-1850," Proceedings of the Bostonian Society, 1958, 11-32.

A study of the patterns of development and changing architectural styles within the area of Beacon Hill bounded by the State House and Charles, Beacon, and Pinckney Streets.

B. ARCHITECTS

1. PETER BANNER

- 31) Keith, Elmer D. and William L. Warren. "Peter Banner, Architect, Moves from New Haven to Boston," Old-Time New England, 57, 3 (1967), 57-76.

A well-documented account of Banner's work in Boston, preceded by four articles on his earlier work in New Haven: Old-Time New England, 45, 4 (1955), 93-102; 47, 2 (1956), 49-53; 49, 4 (1959), 104-110; and 53, 4 (1963), 102-113.

2. ASHER BENJAMIN

- 32) Greene, John Gardner. "The Charles Street Meeting-House, Boston," Old-Time New England, 30, 3 (1940), 87-93.

A social and architectural history of the church.

- 33) Kirker, Harold. "The Boston Exchange Coffee House," Old-Time New England, 42, 1 (1961), 11-13.

A history and description of the city's first large hotel.

See also: #s 14, 24, 29.

3. GRIDLEY J. F. BRYANT AND ARTHUR D. GILMAN

- 34) Bailey, Henry Turner. "An Architect of the Old School," New England Magazine, 25, 3 (1901), 326-349.

A biographical sketch by a personal friend, containing only scanty information on Bryant's work.

- 35) Wrenn, George L. "The Boston City Hall, Bryant and Gilman, Architects, 1862-1865," Journal of the Society of Architectural Historians, 21, 4 (1962), 188-192.

A documented account of the designing and construction of Old City Hall.

- 36) _____, "A Return to Solid and Classical Principles," Arthur D. Gilman, 1859," Journal of the Society of Architectural Historians, 20, 4 (1961), 191-193.

A brief history of the building of the church, with a long quotation from Gilman's own description of the work, explaining his choice of an eighteenth century style.

4. CHARLES BULFINCH

- 37) Kirker, Harold. The Architecture of Charles Bulfinch. Cambridge, 1969.

Complete documentation of all of Bulfinch's works, generously illustrated with plans, drawings, early views, and photographs. All significant previous studies of each project, and more general treatments of Bulfinch's life and career are noted.

- 38) Pickens, Buford. "Wyatt's Pantheon, the State House in Boston, and a New View of Bulfinch," Journal of the Society of Architectural Historians, 29, 2 (1970), 124-131.

A convincing argument that Bulfinch's principal European source for the design of the State House was James Wyatt's Pantheon in London, and a suggestion that Bulfinch's contribution should be reappraised with new emphasis on the massiveness and simplicity of his later work.

5. PETER HARRISON

- 39) Bridenbaugh, Carl. Peter Harrison, First American Architect. Chapel Hill, 1949.

A complete biographical study of Harrison, with analyses of his works. Bridenbaugh has brought the book up to date with additional material in "Peter Harrison Addendum," Journal of the Society of Architectural Historians, 18, 4 (1958), 158-159.

- 40) Metcalf, Priscilla. "Boston Before Bulfinch: Harrison's King's Chapel," Journal of the Society of Architectural Historians, 13, 1 (1954), 11-14.

An exploration of the English antecedents of Harrison's design.

6. MCKIM, MEAD, AND WHITE

- 41) Monograph on the Work of McKim, Mead and White. 4 vols. New York, 1915.

A collection of handsome photographs, drawings, and plans of major works of the firm.

- 42) Moore, Charles. The Life and Times of Charles Follen McKim. Boston, 1929.

Eulogistic but informative biography, with emphasis on the social background of McKim's achievements and on his personal life rather than on his work. The author has an unfortunate tendency to accord McKim virtually full responsibility for all the work of the firm.

7. ALEXANDER PARRIS

- 43) Architectural Heritage, Incorporated, and the Society for the Preservation of New England Antiquities. Faneuil Hall Markets: Historical Study. Photocopy. Boston, 1958.

An exhaustive historical and architectural study, with important documents reproduced as appendices. Illustrated with maps, photographs, old prints, and measured drawings.

- 44) Monkhouse, Christopher P. "Consideration of Faneuil Hall Market and the Architect, Alexander Parris," Journal of the Society of Architectural Historians, 28, 3 (1969), 212.

Abstract of a paper relating Parris' design to possible sources and noting instances of its influence on later construction.

- 45) _____. "Parris' Perusal," Old-Time New England, 58, 2(1967), 51-59.

A study of the architectural books available to Parris.

See also: #24

8. H. H. RICHARDSON

- 46) Hitchcock, Henry-Russell. The Architecture of H. H. Richardson and His Times. Rev. ed., New York, 1961.

The definitive study.

- 47) Stebbins, Theodore E., Jr. "Richardson and Trinity Church: the Evolution of a Building," Journal of the Society of Architectural Historians, 27, 4 (1968), 281-198.

A thoroughly documented and illustrated account of the stages in the design and construction of the church.

9. ISAIAH ROGERS

- 48) Eliot, William Havard. Description of the Tremont House with Architectural Illustrations. Boston, 1830.

A lavish publication containing 31 pages of scale drawings, chiefly of decorative detailing.

- 49) Lee, Henry. "Boston's Greatest Hotel," Old-Time New England, 55, 4 (1965), 97-106.

An architectural description and social history of the Tremont House.

See also: #24.

10. SHEPLEY, BULFINCH, RICHARDSON, AND ABBOTT (AND PREDECESSORS)

- 50) Forbes, J. D. "Shepley, Bulfinch, Richardson, and Abbott, Architects: An Introduction," Journal of the Society of Architectural Historians, 17, 3 (1958), 19-31.

An illustrated survey of the work of the prominent Boston firm and its predecessors.

11. SOLOMON WILLARD

- 51) Wheildon, William W. Memoir of Solomon Willard, Architect and Superintendent of the Bunker Hill Monument. [Boston, c. 1865].

An important early source, written by a personal friend.

See also: #24.

12. AMMI B. YOUNG

- 52) Wodehouse, Lawrence. "Ammi Burnham Young, 1798-1874," Journal of the Society of Architectural Historians, 25, 4 (1966), 268-280.

A brief survey of Young's career.

- 53) _____. "Architectural Projects in the Greek Revival Style by Ammi Burnham Young," Old-Time New England, 60, 3 (1970), 73-85.

Analysis of Young's Greek Revival projects, with consideration of their place in his development as a designer. Several other projects in Boston are mentioned.

See also: #24

C. INDIVIDUAL BUILDINGS

- 54) Brown, Frank Chouteau. "The Clough- Langdon House, 21 Unity Street, Boston," Old-Time New England, 38, 4 (1947), 79-84.

Social and architectural history of an eighteenth century brick house.

- 55) Cordingley, W. W. "Shirley Place, Roxbury, Massachusetts, and its Builder, Governor, William Shirley," Old-Time New England, 12, 2 (1921), 151-163.

History and description of the house, illustrated with plans, elevations, and photographs.

- 56) Cummings, Abbott Lowell. "The Foster-Hutchinson House," Old-Time New England, 54, 3 (1964), 59-76.

Well-documented history of one of Colonial Boston's most imposing mansions, with consideration of its English antecedents.

- 57) _____ . "The Old Feather Store in Boston," Old-Time New England, 48, 4 (1958), 85-104.

A thorough history and description of a seventeenth century building that survived into the nineteenth century, with a checklist of views.

- 58) Foley, Suzanne. "Christ Church, Boston," Old-Time New England, 51, 3 (1961), 67-85.

Excellent architectural study of one of Boston's best-known landmarks.

- 59) Friedman, Lee M. "A Beacon Hill Synagogue," Old-Time New England, 33, 1 (1942), 1-5.

Brief history of church built in 1806 for Boston's Negro population.

- 60) Schless, Nancy Halverson. "The Sergeant and Foster-Hutchinson Houses: Dutch Palladianism in Boston," Journal of the Society of Architectural Historians, 28, 3 (1969), 218.

Abstract of a paper tracing the design of these Colonial landmarks to Dutch sources.

- 61) Waterman, Thomas Tileston. "Certain Brick Houses in Boston from 1700 to 1776," Old-Time New England, 23, 1 (1932), 22-27.

Brief descriptions of the exteriors of the now demolished Savage house, the Old Corner Book Store, the Langdon house, the Hichborn house, and the Ebenezer Hancock house.

- 62) _____ . "The Savage House, Dock Square, Boston, Mass.," Old-Time New England, 17, 3 (1927), 107-115.

Description of one of Boston's first brick town houses, done from material found at the time of demolition.

- 63) Watkins, Walter Kendall. "The Hancock House and its Builder," Old-Time New England, 17, 1 (1926), 3-19.

Illustrated description of one of the finest mansions of Colonial Boston, from contemporary accounts.

DESCRIPTIVE MATERIAL

A. CONTEMPORARY ACCOUNTS, GUIDEBOOKS, AND PICTORIAL COMPENDIA

- 64) Bacon, [Edwin M.]. Bacon's Dictionary of Boston. Boston, 1886.

An alphabetically organized compendium of information on Boston topics--institutions, buildings, professions, etc. The entry on "Architecture and Architects" is a useful introduction to Boston buildings in this period.

- 65) Bell, Shubael. "An Account of the Town of Boston Written in 1817," Bostonian Society Publications, Second Series, III, (1919), 15-65.

A lively description of the town, contained in a series of letters from a Boston gentleman to a long-absent townsman.

- 66) Blaney, Henry R. Old Boston. Boston, 1896.

Reproductions of the author's etchings and wet-plate negatives, made between 1855 and 1893, of buildings from the Revolutionary War period. Many of the monuments illustrated had been demolished by the time of publication.

- 67) Bowen, Abel. Bowen's Picture of Boston. Boston, 1829. 2nd ed., 1833; 3rd ed., 1838.

A detailed guidebook to the city, with extensive information on institutions. Useful for descriptions and engravings of many buildings that have long since disappeared.

- 68) Engelhardt, George W. Boston, Massachusetts. Boston, 1897.

A publication of the Chamber of Commerce, presenting Boston as a center of trade and industry. Illustrated with photographs and drawings of many manufacturing and commercial buildings. Interiors as well as exteriors are often shown.

- 69) Hales, John G. Survey of Boston and Its Vicinity. Boston, 1821.

A collection of distance measurements within and between the towns of the metropolitan area. Interesting chiefly for Hales's topographical descriptions of the towns and countryside.

- 70) Herndon, Richard. Boston of To-Day. Boston, 1892.

Although most of this weighty volume is taken up with biographical sketches of leading citizens, the generously illustrated preceding sections on the city's physical character and institutional and commercial life present a useful picture of Boston at the time of publication.

- 71) King, Moses. King's Handbook of Boston. Boston, 1878.

A profusely illustrated and exhaustive guide to the city's landmarks and institutions.

- 72) Pemberton, Thomas. "A Topographical and Historical Description of Boston," Collections of the Massachusetts Historical Society for the Year 1794. Boston, 1870. First Series, vol. III, 241-301.

One of the earliest histories of Boston and the earliest extensive topographical description of the city.

- 73) Shaw, Charles. A Topographical and Historical Description of Boston. Boston, 1817.

Leans heavily on Pemberton and makes suitable additions and alterations twenty years later. Includes detailed descriptions of a number of public buildings and churches.

- 74) Stanwood, Edward. Boston Illustrated. Boston, 1872. Rev. ed., 1875, 1878, 1883, 1886, 1892.

Generously illustrated description of the city, with chapters on each of its major districts.

- 75) Stark, James H. Stark's Antique Views of ye Towne of Boston. Boston, 1901.

Reproductions and explanations of early engravings, prints and other pictorial data.

- 76) Sweetser, M.F. King's Handbook of Boston Harbor. Cambridge, 1882.

Profusely illustrated guidebook, useful for descriptions of the harbor islands in the last quarter of the nineteenth century.

B. SOCIOLOGICAL STUDIES

- 77) Firey, Walter. Land Use in Central Boston. Cambridge, 1947.

A sociological analysis of land use in the central city, with attention concentrated on Beacon Hill, the North End, and Boston Common and other historic sites. Includes tabular summaries of statistics and maps illustrating economic and social characteristics of the areas discussed.

- 78) Wolfe, Albert B. The Lodging House Problem in Boston. Cambridge, 1911.

A detailed analysis of the economic and social structure of the South End as a lodging-house district, tracing the history of its development and describing in detail current conditions. Contains maps showing land use, location and nature of commercial establishments, and charts indicating occupations of lodgers, the changes in real estate values from 1868 to 1904 in the district, and the rate of conversion from private residence to lodging-houses.

- 79) Woods, Robert, ed. Americans in Process: A Settlement Study. Boston, 1903.

An early study of the North and West Ends. Though colored with the condescension of Yankee reformers toward the immigrant poor, the book is invaluable as a description of the physical and social fabric of these neighborhoods at the turn of the century, and for its socio-economic maps of the areas covered.

- 80) _____. The City Wilderness: A Settlement Study. Boston, 1899.

A similar study of the South End.

- 81) Woods, Robert A. and Albert J. Kennedy. The Zone of Emergence, abridged and edited by Sam B. Warner, Jr. Cambridge, 1962.

A draft for a study of several areas in Boston and Cambridge, begun in 1907-1914. The areas in Boston that were covered were Charlestown, East Boston, South Boston, and the inner areas of Roxbury and Dorchester. All but the section on Charlestown are included in this edition. Valuable for physical as well as sociological description.

VI. PUBLIC DOCUMENTS

- 82) Boston. Architect Department. Annual Reports, 1891-1894. Boston, 1892-1895. 4 vols.

Building data, plans, and photographs for all buildings designed by Edmund M. Wheelwright as City Architect. Further material on these buildings is found in F. W. Chandler, ed., Municipal Architecture in Boston (Boston, 1898).

- 83) Boston. Board of Commissioners of the Department of Parks. Annual and Special Reports. Boston, 1876-1937.

The earlier reports are lengthy, detailed, and well illustrated. Around the turn of the century they become more abbreviated and less rich as source material for the historian.

- 84) Boston. City Planning Board. East Boston: A Survey and a Comprehensive Plan. Boston, 1916.

- 85) _____. The North End: A Survey and a Comprehensive Plan. Boston, 1919.

These planning studies present useful pictures of two Boston neighborhoods, with information on physical, social, and economic conditions, maps showing land use and public facilities, and detailed recommendations for public improvements.

- 86) Boston Redevelopment Authority. 1965/1975 General Plan for the City of Boston and the Regional Core. Boston, 1965.

A summary of public planning objectives, illustrated with maps, charts, photographs, and drawings.

- 87) Boston Transit Commission. Annual Reports, 1895-1918. Boston, 1895-1918.

Like the Parks Commissioners' reports, these are long, well illustrated, and informative for the early years, and less useful later.

- 88) Eliot, Charles. A Report on the Opportunities for Parks and Open Spaces in the Metropolitan District of Boston Presented to the Metropolitan Parks Commission, 1892. Boston, 1893.

An important document in the development of the Metropolitan Parks system, illustrated with maps and photographs.

- 89) Logue, Edward J. Seven Years of Progress. Boston, 1967.

This final report by the Renewal Administrator gives a useful overview of Boston's extensive redevelopment activity in the early 1960's. It includes a selective bibliography of publications of the Boston Redevelopment Authority, which provide more detailed information on specific projects.

- 90) Massachusetts Commission on Metropolitan Improvements. Public Improvements for the Metropolitan District. Boston, 1909.

A report produced by a Commission created to study the needs for public works projects in the Metropolitan District. Contains extensive analyses of railroads, docking facilities, and streets and highways, and descriptions and evaluations of several proposals for a new Boston civic center, illustrated with maps and diagrams.

VII. BIBLIOGRAPHIES AND BIBLIOGRAPHICAL AIDS

See also: #s 3, 18, 24, 89

- 91) Boston Printing Department. Indices to the City Documents, 1834-1909. Boston, 1910.

A subject index to all regular city documents numbered and bound together at the end of each year, with an appendix containing a list of city publications not included among the numbered documents.

- 92) Boston Engineering Department. List of Maps of Boston Published between 1600 and 1903, Copies of which are to be Found in the Possession of the City of Boston and othe Collectors of the Same. Annual Report of the City Engineer. Appendix I. Boston, 1903.

An invaluable listing, arranged by date, and giving for each map its cartographer, its published reproductions, size, and scale, and the location of originals.

- 93) Boston Public Library. Boston Views: An Index Recording Views of the Boston Scene in the Library's Collections, in Book Illustrations, Prints, and Photographs. Typescript. Boston, 1963.

An extensive listing, limited by its use of Boston Public Library call numbers as references to published material.

- 94) Columbia University Library. Avery Architectural Library. Avery Obituary Index of Architects and Artists. Boston, 1963.

An index covering newspapers and major architectural periodicals since 1934. The major American journals have all been back-indexed to their first issues.

- 95) Doherty, Richard M., comp. Political and Economic Problems of the Boston Metropolitan Area: An Annotated Bibliography. Boston, 1958.

A bibliography supplementing the McNamara publication (see below, #100) and covering the same material to 1958.

- 96) Historic American Buildings Survey. Massachusetts Catalog, A List of Measured Drawings, Photographs, and Written Documentation in the Survey, 1964. Boston, 1964.

The most recent compilation, with 81 Boston entries (many of them demolished).

- 97) Hitchcock, Henry-Russell. American Architectural Books, A List of Books, Portfolios, and Pamphlets on Architecture and Related Subjects Published in America Before 1895. 2nd ed. Minneapolis, 1962.

A bibliography arranged alphabetically by author and indexed by subject. A code identifies libraries possessing copies of each book.

- 98) Hunnewell, James. Bibliography of Charlestown, Massachusetts, and Bunker Hill, Boston. Boston, 1880.

A chronological listing of materials on Charlestown and published there, including legislation, histories, institutional catalogues and publications, material on notable citizens, directories, and serial publications, the last under its date of first publication. There is an index to personal names and a subject index. Supplemented by the bibliography in Hunnewell's A Century of Town Life (see above, #7), pp. 261-300.

- 99) Koyl, George S., comp. American Architectural Drawings, A Catalog of Original and Measured Drawings of Buildings in the United States of America to December 31, 1917. 5 vols. Mimeographed. Philadelphia, 1969.

An extensive listing of original drawings by American architects, cross-indexed geographically, by architects, designers, and draughtsmen, and by building type.

- 100) McNamara, Katherine, and Caroline Shillaber. The Boston Metropolitan District, Its Physical Growth and Governmental Development: A Bibliography. Cambridge, 1946.

An invaluable bibliography on local governmental development and attendant problems of urbanism from 1784 through early 1945. Entries include government documents, newspaper and magazine articles, and books, and are arranged both topically and chronologically, with an author index.

- 101) Phillips, P. Lee. A Descriptive List of Maps and Views of Boston in the Library of Congress, 1630-1865. Washington, 1922.

A listing by date, cross-indexed by place and building names and by source and cartographer. Published reproductions as well as original copies of maps are included.

- 102) Roos, Frank J., J. Bibliography of Early American Architecture: Writings on Architecture Constructed before 1860 in Eastern and Central United States. Urbana, Ill., 1968.

Conveniently organized by locality, with a section on architects and one on bibliographies.

- 103) Withey, Henry F., and Elsie Rathburn Withey. Biographical Dictionary of American Architects. Los Angeles, 1956.

A handy compendium of brief biographies of deceased architects, drawn chiefly from obituaries and other reference works. Useful for minor figures.

VIII. SERIAL PUBLICATIONS

- 104) Art Index: A Cumulative Author and Subject Index to a Selected List of Fine Arts Periodicals, Vol. 1- . New York, January 1929- . Quarterly.

An index to about one hundred American and European museum bulletins, fine arts journals, and archaeological and architectural publications. Authors and many subject references (including place names) are arranged on one alphabetical listing. Cumulative indices are published annually and triannually.

105) Bostonian Society. Proceedings, Annual Meeting, 1882-1964. Boston, 1882-1964.

 . Publications, vols. 1-12. Boston, 1886-1915.
2nd. ser., vols. 1-3.. Boston, 1916-1919.

Both the annual Proceedings and the two series of Publications of the Bostonian Society contain articles of interest to the student of Boston architecture and topographical history. A topical index was published in the 1933 Proceedings.

106) Old-Time New England, vol 1- . Boston, May 1910- . Quarterly.

Published by the Society for the Preservation of New England Antiquities, and through volume 10 (1919) known as the Bulletin of that society. Has published many articles on Boston buildings, some of which are listed above.

APPENDIX V

REPORT BIBLIOGRAPHY

General Works on Historic Preservation

Hosmer, Charles B., Jr. Presence of the Past: A History of the Preservation Movement in the United States before Williamsburg. Foreword by Walter Muir Whitehill, New York, 1965.

Menges, Gary L. Historic Preservation: A Bibliography. Council of Planning Librarians Exchange Bibliography #79. Monticello, Illinois, 1969.

Miner, Ralph W., Jr. Conservation of Historic and Cultural Resources. Chicago, 1969.

National Trust for Historic Preservation and Colonial Williamsburg. Historic Preservation Today. Essays Presented to the Seminar on Preservation and Restoration, Williamsburg, Va., September 8-11, 1963. Charlottesville, Va., 1966.

_____. Historic Preservation Tomorrow: Revised Principles and Guidelines for Historic Preservation in the United States. Williamsburg, Va., 1967.

Rains, Albert, and Laurance G. Henderson. With Heritage So Rich: A Report of a Special Committee on Historic Preservation under the Auspices of the United States Conference of Mayors with a Grant from the Ford Foundation. New York, 1966.

Legal Studies of Aesthetic Controls, Historic Zoning, and Related Topics

Dukeminier, J.J., Jr., "Zoning for Aesthetic Objectives: A Reappraisal," Law and Contemporary Problems, 20, (1955), 218-237.

Gardner, George K. "The Massachusetts Billboard Decision," Harvard Law Review, 49, 6 (April, 1936), 869-902.

Kelsey, Robert L. "The Place of Aesthetics in Comprehensive Zoning in Massachusetts," Massachusetts Law Quarterly, 43, 3 (October, 1958), 60-63.

Legislative Research Council. Commonwealth of Massachusetts. An Historic Preservation Program for Cities and Towns. January, 1966.

_____. Report on the Establishment of Historic Districts within the Commonwealth. January, 1957.

Metropolitan Area Planning Council. Massachusetts Open Space Law: Government's Influence over Land Use Decisions. Volume 4, Open Space and Recreation Program for Metropolitan Boston. Stephen F. Ells, consultant. Boston, 1969.

Morrison, Jacob. Historic Preservation Law. Rev. ed. Washington, D.C., 1965.

Reed, Thomas J. "Land Use Controls in Historic Areas," Notre Dame Lawyer, 44, 3 (February, 1969), 379-430. Also reprinted by the National Trust for Historic Preservation, Washington, D.C.

Rodda, Clinton. "The Accomplishment of Aesthetic Purposes under the Police Power," Southern California Law Review, 27, (1953-54), 149-179.

White, Harry. "The Police Power, Eminent Domain, and the Preservation of Historic Property," Columbia Law Review, 708 (1963), .

Preservation Programs in Other Cities: Reports and Studies

California

Los Angeles. Department of City Planning and Cultural Heritage Board. Cultural and Historical Monuments Plan: An Element of the Master Plan of the City of Los Angeles. Los Angeles, 1969.

San Francisco. Department of City Planning. The Preservation of Landmarks in San Francisco. San Francisco, 1966.

Georgia

Housing Authority of Savannah. Historic Preservation Plan for the Central Area General Neighborhood Renewal Area. Savannah, 1968.

Illinois

Chicago, City of. Commission on Chicago Historical and Architectural Landmarks. Chicago, 1969.

Louisiana

Bureau of Governmental Research for the City of New Orleans. Vieux Carre Demonstration Study Report. 8 vols. Marcou, O'Leary, and Associates, consultants. New Orleans, 1968.

Maine

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Baltimore. Department of City Planning. Baltimore: Preservation of a City's Character. Baltimore, 1967.

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Bunting, Bainbridge. East Cambridge. Survey of Architectural History in Cambridge, Report One. Cambridge, 1965.

Downing, Antoinette, Elisabeth MacDougall, and Eleanor Pearson. Mid Cambridge. Survey of Architectural History in Cambridge, Report Two. Cambridge, 1967.

Cambridge. Historic Districts Study Committee. Final Report. Cambridge, 1962.

New York

Gilbert, Frank B. "Saving Landmarks: The Transfer of Development Rights," Historic Preservation, 22, 3 (July-September, 1970), 13-17.

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Pyke, John S., Jr. Landmark Preservation. New York, 1969.

Rhode Island

Providence City Plan Commission and Providence Preservation Society. College Hill: A Demonstration Study of Historic Area Renewal. 2nd ed. Providence, 1967.

Virginia

Norfolk. Department of City Planning. Preserving Norfolk's Heritage: Proposed Zoning for Historic and Cultural Conservation. Norfolk, 1965.

Preservation Ordinances

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Chicago, Illinois. Chapter 21, Sections 21-62 through 21-64.2 of the Municipal Code of Chicago, as amended (1968). Creates the Commission on Chicago Historical and Architectural Landmarks.

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Denver, Colorado. Ordinance No. 68 of 1967. Establishing a Procedure for the Designation and Preservation of Structures and Areas having Historical, Architectural or Geographic Importance;... Creates the Denver Landmark Preservation Commission.

Detroit, Michigan. Ordinance No. 408-G, Chapter 2, Article 6 (1969). Establishes a Commission on Historic Landmarks.

Los Angeles, California. Ordinance No. 121, 971 (1962). An Ordinance establishing a Cultural Heritage Board in the City of Los Angeles under the jurisdiction of and to assist and advise the Municipal Art Commission of the City of Los Angeles in the preservation of certain historical and cultural monuments.

Madison, Wisconsin. Ordinance 33.01 (1970). Creates a Landmarks Commission.

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Report of the Boston Land-
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DATE	
11/12/71	Vicki Kysen
1/23/72	John H. ...
7/11	Maria ...
6/17/73	Glenn Friedman
4/3/75	Arlene Barnes
7/15/75	Joseph Foley
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